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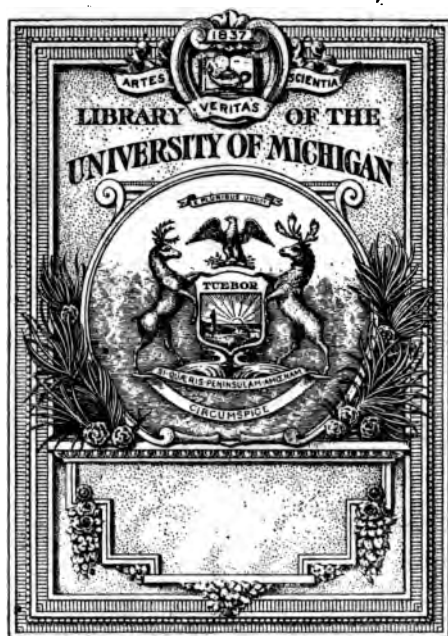
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**RICHARD T. ELY, Ph.D., LL.D.**

**DIRECTOR OF THE SCHOOL OF ECONOMICS AND  
POLITICAL SCIENCE, UNIVERSITY OF  
WISCONSIN**

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**THE AMERICAN CITY: A PROBLEM  
IN DEMOCRACY**

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**MILO ROY MALTBY, Ph.D.**  
**SPECIAL EDITOR**

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# The American City: a Problem in Democracy

BY

DELOS F. WILCOX, PH.D.

New York

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## AUTHOR'S PREFACE

SEVERAL years ago, in my little book on "The Study of City Government," I outlined what seemed to me the principal governmental problems of the city, grouped under "functions," "control," and "organization." In that book I attempted merely to point the way to the study of problems which I believed to be of commanding interest. Since that time, 1897, an immense body of literature dealing with those problems has come into existence. The nature of the present volume is such that I have not considered it necessary to prepare an elaborate bibliography of this literature. My concern here is not to present an exhaustive array of facts and theories, but to discuss what seem to me to be the fundamental principles of the American city problem, and point out, if possible, its real relations to the great problem of human freedom as it is being worked out in American political institutions. All those readers who are unfamiliar with the existing literature on municipal subjects can find guidance for further reading in Dr. Robert C. Brooks's "A Bibliography of Municipal Problems and City Conditions," published as the March, 1901, issue of *Municipal Affairs*. Indeed, *Municipal Affairs* itself is a storehouse of literature on these subjects, and the volumes of this magazine

covering the period from 1897 to 1902 are of extraordinary value to the student of city problems. Another exceptionally valuable collection of reports and discussions of municipal questions is found in "Proceedings of the National Municipal League," 1894 to 1903. For those interested in municipal problems from the standpoint of practical administration, the *Municipal Journal and Engineer* will be found a useful magazine.

I am particularly indebted to Dr. Milo Roy Maltbie, of New York, for generous aid in the collection of materials used in this book, and for the careful perusal and criticism of the manuscript.

D. F. W.

GRAND RAPIDS, MICHIGAN,  
April 21, 1904.

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# THE AMERICAN CITY: A PROBLEM IN DEMOCRACY

## CHAPTER I

### DEMOCRACY AND CITY LIFE IN AMERICA

THREE hundred years ago the United States was a wilderness of forest, mountain, and untilled prairie. The first European settlers who came to the New World were actuated by various motives; but those who settled on the eastern coast of what is now the United States were not, for the most part, adventurers. Three or four noble motives stand out as characteristic of that early immigration. These motives were:—

*First*, the desire for religious liberty;

*Second*, the desire for political freedom;

*Third*, the desire for opportunity to make an honest living, that is to say, for a share in nature's bounty; and,

*Fourth*, the desire to conquer a new continent for Christianity and civilization.

Along with such motives as these went the courage to face the wilderness and endure the dangers and privations attendant upon pioneer life in a

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remote quarter of the world. The settlement of America was indeed a war in the wilds, a series of bloody and hard-fought battles with want, with disease, with cunning and fierce savages. It was the desire for freedom that gave our fathers the courage to conquer. Freedom is the normal aspiration of man, and the record of human progress is the record of the achievements of those who are striving to be free.

After a century and a half of struggle and growth, the settlements of Englishmen along our Atlantic coast united to form the American nation. In the Declaration of Independence, the federal and state constitutions, and the ordinance governing the Northwest Territory, the fundamental principles of American democracy were established. These are, in brief, four :—

*First*, that every man should stand on his own merits, and not be dependent for political rights or privileges on the rank or merit of his father or any one else ;

*Second*, that every normal man should have the right to participate in government ;

*Third*, that all men should have equal opportunities to attain to positions of power and influence in political society ; and,

*Fourth*, that every child should have a chance to get an education.

To be sure, these principles were not perfectly worked out or universally applied at first, but, in a broad sense, they form the foundation of Ameri-

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can political institutions. Freedom is the purpose of our national life.

It is no wonder, then, that America has for more than a century stood for something definite and noble among the nations, and that the dreamers of every land have looked to us for the realization of their ideals. We have ourselves all along acknowledged our peculiar destiny and have gloried in it. We have welcomed the children of the world who have fled to us to escape from oppression and find freedom, but have nevertheless feared that these same multitudes, untrained for democracy, attaining freedom too easily by our gift, would prove dangerous to our institutions and imperil our national destiny.

The real character of our national mission is inconsistent with mere self-seeking. Freedom, democracy, equality of rights, all speak of brotherhood and coöperation and prophesy that human nature, so cruel and selfish in its ancient and primitive manifestations, is being changed to something benevolent and social. Indeed, the progress of civilization and the constantly increasing dependence of man upon his fellows for the necessities and comforts of physical and intellectual life brand as out-of-date and impossible the ultra-selfish attributes of human nature which are often described as unchangeable. If America fails in her splendid mission, it will be because she lets herself lapse into a mere giant nation striving for mastery. The supreme issue before America to-day is the per-



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fection of democracy and the holding fast by that means to our national ideals and the leadership of the world in the struggle for human freedom.

The conditions of life in the United States a hundred years ago were favorable to the success of the political experiment instituted by our fathers. Practically the whole nation was of one blood and one language, with common traditions and political ideals welded into unity by the stern experiences of colonial life. Then, too, there stretched out before the new nation looking off to the west an almost boundless continent, with unlimited resources, only waiting to respond to the call of civilization. The poorest man in those days, if he had energy, could reach out his strong right arm and appropriate to his own uses a sufficient part of the bounty of nature. In those days, too, cities were almost unknown. In the year 1800 there was no city in the United States with a population of 70,000, and only about 4 per cent of the total population lived in cities of 8000 or more.

The great progress that America has made in population, industry, and arts since the beginning of the nineteenth century has not been altogether favorable to our political experiment. Two or three things seem to be essential to the success of democracy. In the first place, the great body of the people must be intelligent and have a large social capacity, which means that they must be able to see beyond their own garden fences and be able to coöperate with other men of considerably

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different habits and ideals. Then there must be a strong interest in local institutions, in that part of political life which affects men daily in and near their homes. And, finally, the conditions of life must be such that men can give a considerable amount of time and thought to those political interests in regard to which they can personally make their wills felt.

The expansion of American life, through its encouragement of immigration, has had a marked influence upon the character of the American people. For the United States immigration has, on the whole, tended to lower the average of intelligence and particularly to diminish the social capacity of the communities. Paris, the great cosmopolitan city of western Europe, has only about one-twelfth of its population foreign, and London less than one-thirtieth, while of American cities, New York has more than four-fifths of foreign parentage, Chicago and San Francisco about four-fifths, and the twenty largest cities of Massachusetts, the commonwealth in which America takes most pride, about two-thirds. Some of our great agricultural commonwealths, even, are almost as much foreign as American, so far as numbers count in their citizenship. Minnesota and North Dakota both have a majority of males of voting age foreign born. Perhaps the most serious feature of this condition is that the old American stock fails to multiply as rapidly as the newer and less politically experienced race stocks do. In short, America's condition is

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analogous to that of a club originally composed of a more or less select class brought together by a common experience and a common intelligence for the furtherance of certain great ends, but later well-nigh swamped by the influx of strangers with little notion of the original purposes of the club and meagre training for membership in it.

The second great requisite for the success of democracy, namely, a strong practical interest in local institutions, has also suffered a good deal from the industrial expansion of the last century. It is of the nature of political government to be founded upon place, and man in local relations is most subject to political control. Country, nation, and state are, in a somewhat loose way, interchangeable terms. Men must have a footing somewhere. They cannot get off the earth, and it is in this primitive relation to land and locality that citizenship largely consists. But the development of railways, steamships, telegraphs, telephones, and other means of travel and communication has given men a certain apparent, though partly superficial, independence of locality. Men must still have places, but in the great cities they are piled up, one on top of another; or they have two places, one for business and one for home. In the latter case, political boundary lines are practically powerless, and men readily abandon their citizenship in ward, city, or even commonwealth at the dictation of non-political interests. Furthermore, the growing habit of travel, and especially of a

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change of residence during the heat of summer or the cold of winter, tends to detach men from local interests and render them unable to perform political functions. This fluidity of movement is marked among the well-to-do and the intelligent, so that the normal influence of these classes upon local political action is still further curtailed. They are enabled to escape from unwholesome local conditions which it is the business of political coöperation to remove or ameliorate.

Society is being reorganized according to interests rather than according to place, and the principles of this reorganization run counter to political forms and habits. If this movement is to go on indefinitely, and distance be annihilated and space ignored, political government will have to develop a new mode of control, functional rather than local. But there are many reasons to believe that our boasted independence of space will, in the long run, prove a costly luxury, and that sooner or later society will settle down again to a more steadfast life in which local interests will again assume large importance. We may expect, in the nature of the case, a partial return to the condition under which democracy thrives. Nevertheless, the world can never again be the same as it was before steam and electricity were engaged in the service of man, and one of the hardest problems for democracy to face is the necessary readjustment of political habits to fit the new conditions.

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By far the most serious contribution of the nineteenth century to the difficulties of democracy has been, however, the appropriation of the nation's resources by individuals and that wonderful expansion of human interests which have put men under the high pressure of to-day, so that they have little time to give to practical political efforts. In cities the gossip of the world comes buzzing in our ears twice a day at least, and perhaps through a score of channels. The greater a man's income, the needier he is, because he generally wants to live beyond it; the faster we can travel, the more time it takes, for we go far and often; the shorter the hours of labor, the busier we get, for leisure breeds opportunity for action.

Certainly another century cannot carry on the movement of the last with accelerating speed, without actually consuming the best of the race. Let us hope that men will gradually be brought to a saner and steadier life by the relentless resistance involved in the cost of progress. Even this hope offers but a grim satisfaction, for the discipline will of necessity be severe. The most tragic element in the political thought of our time is, perhaps, the conflict between the realization of democracy both as a means *to* and by means *of* a higher citizenship, animated by less selfish motives, and gifted with a new sense of social obligation and social privilege, on the one hand; and the spirit of strife that becomes more fierce as the field of competition broadens, and the life

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of the world is fused, on the other. The theory of democracy makes optimists of us, but practical observation of the movements of our time often tends to pessimism. We can be saved by democracy if we will — but will we? That is the big question of to-day. Its answer depends on whether or not enough people can be found who will offer an intelligent resistance to the extreme tendencies of the age, and definitely confine themselves to a normal life.

All the forces here described as affecting the conditions of life in a way unfavorable to democracy culminate in cities. The city is, indeed, the visible symbol of the annihilation of distance, and the multiplication of interests.

And yet, on the other hand, the city emphasizes locality and gives opportunity for coöperation. The city is the point where the resistance of space to men's efforts is focussed, and, consequently, local interests become enormously increased. The opportunities, too, for formulating the popular will are greatly enhanced in cities by proximity of residence. People can gather in mass meetings on a few hours' notice, public opinion can find immediate expression in the press, the citizen can bring personal pressure to bear upon the official without delay. The danger is that democracy will be paralyzed by its opportunities. True local interests, though of such transcendent importance to the community, tend to go by default so far as the individual is concerned. The home and

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the neighborhood, the natural primary units of local organization, are weakened, and in many cases nearly destroyed. Home life is little more than a name where a hundred people, often of different nationalities, live in a single tenement house; and what is left of the neighborhood where there is a density of five hundred to the acre? Among the business and professional classes, a man's friends and intimate associates may be scattered over the whole city, while he scarcely knows his next door neighbor's name. It is among working people and the poor that local interests retain their importance to the individual, and partly for this reason democracy appeals most directly and most safely to the masses.

One of the most serious developments of modern life, from the standpoint of democracy, has been the organization of industry on so large a scale that, in cities, only an insignificant proportion of the people are working for themselves. Under the wage and salary system men sell their working time and do as they are told by their employers. This tends to make machines of men, to diminish their ethical responsibility, to set up a fixed and artificial reward for labor without reference to its real social value. A man is paid as much for doing useless or positively destructive work as for useful and productive labor. Perhaps, through the organization of industry, the real waste and destruction are greatly diminished, but at any rate

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personal responsibility for making one's work socially useful is nearly lost. This would be certainly fatal to democracy and the future development of the race if there were no compensations, — for what kind of a citizen-sovereign can a man be who, in his work, by which he maintains life and supports a family, becomes a mere machine and does what he is told, asking no questions and incurring no risks? The compensation lies in the fact that the organization of industry by the division of labor necessitates corporate action on the part of the employers. The corporation is merely a form of coöperation and means in the long run a development of social capacity and ethical responsibility in groups. Along with this development of coöperative methods among men of wealth and employers have come both opportunity and necessity for the development of coöperation among wage-earners. And so by dint of working together in industrial pursuits men may acquire a greater capacity for political coöperation. The shortening of the working hours at least offers more opportunity for the development of other than mere bread-winning interests. It is doubtful whether these advantages fully compensate for the loss involved in the diminution of economic independence, but at any rate democracy must find some way to adjust itself to the changed conditions.

This problem of employer and employed is rendered more difficult by the fact that the industrial world is divided into two hostile camps of



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organized, coöperating forces, and, as complete political democracy would open the way for the absolute victory of one industrial party by means of the machinery of government, it becomes a matter of grave importance to organized capital to hinder the political organization of the people along democratic lines. And so we have the spectacle of a free people hemmed in on every hand and checked at every step by barriers erected at the instance of property. Political machines, so called, and bosses are supported by contributions from organized capital, senates and councils are bought, newspapers are subsidized, and many stumbling blocks are put in the way of a free formation of public opinion and a free expression of the public will. The political and industrial worlds are so intertwined that their problems must be solved together or at least in close relation to each other. Here also the city holds the centre of the stage.

The founders of the American government were not wholly confident of the ultimate wisdom and reliability of the people, and it is certain that the doubts and hesitation of those revered statesmen would have been transformed into utter dismay if the vistas of the future could have opened and revealed the teeming cities of our time, rich and splendid as Babylon, but filled with a motley citizenship recruited from all the nations of the world. What would Washington have thought as he took the oath of office as first President of the United States, could he have known that in the early years

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of the twentieth century, on the island of Manhattan and around it, the second city of the world would deliberately vote in support of the theory that government is for the benefit of those who govern? Even Jefferson, the spokesman and almost the author of American democracy, must have lost his faith could he have foreseen the cities of New England swarming as they now are with untrained alien races, and Philadelphia, Franklin's city and the city of the Declaration, stolidly submitting to the band of pirates who have cast its municipal institutions into the quicksands of corruption.

It is fitting that in the study of city conditions and municipal government in the United States we should strive to comprehend the relation existing between democracy and this marvellous phenomenon, the city, looming so large upon our horizon and dominating more and more our whole political, industrial, and social life. Democracy has not been fully tested, and its record of achievement is such that we, of modern days, believe its ultimate failure would mean the failure of progress itself. To us the right of every man to count for what he is really worth has come to be an essential part of the justification of life. We look upon the egregious blunders of our cities and listen to Mr. Bryce's oft-repeated dictum about the "one conspicuous failure" among our institutions, and still maintain that what we need is not less democracy but more.

We see that the experiment of democracy must

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be begun over again under the changed conditions of industrial and social life, and that in the new experiment cities must take the lead. That thus far democracy has failed to justify itself in the cities of America is commonly believed. Yet cities are in the nature of the case the richest field for democracy, and in them the principle of political coöperation may be carried furthest. If the people prove themselves worthy of political power, municipal institutions will surely lead the van in the political progress of the world.

Not only is the city involved most deeply in the great political experiment of the present and the future, but it is the dominating element in that experiment. The United States, along with the other nations of the western world, is rapidly coming to be a nation of cities, and even while the majority of the American people remain rural, so far as residence is concerned, the influence of the cities upon the national life is quite out of proportion to their population. For the city is the distributing centre of intelligence as well as of goods. The city stands for organization. It is the centre of the complex web of national life. To it all roads lead, and more and more it deals with countrymen as individuals. The introduction into the post-office of rural free delivery, the development of systems of trolley lines focussing in the cities, the expansion of the mail order business, the concentration of the publishing interests, — all these are putting the city into direct and dominat-

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ing relations with country people, and making the country essentially suburban. This form of urban imperialism follows the adage of war, "Divide and conquer." The city becomes dominant in essentially the same way as a great employer of labor who deals with his men individually.

Besides all this, the city attracts to itself as the visible centre of wealth and power the leaders in every department of life. By the splendor of its luxuries, made possible by coöperation on so large a scale, it attracts to itself imaginative youth. It is true, of course, that during this age of rapidly growing cities, it is people of rural origin who build up the town and control its activities, and in this sense the country rules the city. But in city life there is one all-dominating condition that transforms men as if by magic. This condition is *scarcity of room*, which gives rise in an old city to a dead congestion and in a new city to a fierce jostle. The newcomers are one by one absorbed and transformed into city men. While there is little difficulty in making city men out of countrymen, it seems well-nigh impossible to reverse the process. Working men in cities become used to working under orders, and in a measure lose the faculty of self-direction and adaptation to the conditions of agricultural work. But, even more important than this, they and their families form the city habit and find themselves quite lost if thrust upon their own resources in the country, where there is no music of the pavement and no jostling of the

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crowd. On the other hand, those who get their living by their wits and go well dressed, soon lose the capacity for the work of the hands by which countrymen live. Two difficulties lie in the way of their ever going back to the country to earn their livelihood. They are physically incapacitated, and their wants have been so much developed that they could not be satisfied by the earnings of hand labor. City people in countless numbers, doubtless, envy countrymen their imaginary lot, and are greatly delighted of a summer, if their finances will permit, to visit the country and even play at farming, but they do not know how to work there and do not care to learn. Perhaps the extreme apparent inability of city people to be re-transformed into country folk is partly due to the direction of the current which sets so strongly toward the city in this age. But there are many reasons to believe that cities consume and will continue to consume the population that pours into them from every direction.<sup>1</sup>

Two noteworthy books dealing with the prob-

<sup>1</sup> Some of the striking characteristics of metropolitan life are described with force, insight, and wit by Dr. J. H. Girdner in his little book entitled *New Yorkitis*. He says, page 18, "It is no exaggeration to say that New York is a huge mill, into the hopper of which is annually thrown raw material in the form of brain, brawn, money, and character drawn from the outside world, and the ground-out product of this mill is the metropolis, with all that the term means; and if the supply of raw material were discontinued, the mill would in time cease to turn out the finished product."

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lems of the city appeared from the American press four or five years ago. One is *The Twentieth Century City*, by Josiah Strong. Mr. Strong shows a keen appreciation of the fundamentally ethical nature of the question. With great clearness he sets forth the industrial and social causes that have given us the city problem. In his view the same forces that have already driven more than one-third of the people of the United States into cities will continue to operate until within a score of years the cities will have absorbed more than one-half of our entire population, and ultimately we shall come to be "a nation of cities." In his view materialism dominates American life, and shows itself strongest in the centres of civilization and wealth. Indeed, the material progress of our cities has entirely outstripped their moral and intellectual progress, so that the larger the city the more menacing are the conditions of its municipal life. It seems, therefore, that the city itself and the nation at large have been tending rapidly toward a condition in which, with the city dominating the nation and the grossest forms of materialism dominating the city, free institutions must perish and democracy prove an abject failure in America. But Mr. Strong paints this picture as a warning to the American people, and points out a remedy by which this national disaster can be averted. The proposed remedy is no other than the development of a new patriotism through the quickening of the social conscience and the practical applica-

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tion of the teachings of Christ. The law of service, the law of sacrifice, and the law of love must transform men and give them new social ideals.

The other book referred to is *The Growth of Cities*, by Mr. Adna F. Weber. Mr. Weber's book is an exhaustive study of the statistics of city growth, and reveals a remarkable world-wide tendency toward concentration under the stimulus of the new industrial conditions of the nineteenth century. It appears that the larger the city the more rapidly it grows, and Mr. Weber agrees with Mr. Strong in expecting that this tendency of population to mass itself in cities will continue until two-thirds of our population is distinctly urban. Taking the view that the world-wide movement toward the city is a permanent one, Mr. Weber examines with some care the damaging charges that have so often been made against the general social effects of city life. One by one, he takes up our supposed causes for alarm, and looks at them from the standpoint of the unworried philosopher. One by one, as he touches them with the wand of statistics, all the moral and social difficulties attendant upon our transformation into a nation of cities disappear. On the whole, in his opinion, the inevitable prospect is to be welcomed rather than viewed with alarm, and none of the leading indictments brought against city life are substantiated by statistical records.<sup>1</sup>

<sup>1</sup> See Mr. Weber's chapter on "The Physical and Moral Health of City and Country," pp. 368-409.

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These two views of municipal imperialism are extremely interesting and suggestive. It seems probable that neither author has measured the increasing force of the resistance which the movement toward concentration must inevitably meet. The earth levies a tax upon a city, and the larger the city the higher the tax. The cost of transportation and standing-room will at a certain point more than balance the economies of concentration, and then city growth must at least be less rapid than it has been during recent times. Consequently, there is considerable reason for thinking that the large cities will not soon, if ever, contain an actual majority of our population. So perhaps it is possible for us to discount, to a certain extent, the desperate straits that Mr. Strong sees us in with only twenty years in which to save ourselves from hopeless national ruin by the transformation of a criminally selfish citizenship into one that obeys the laws of Christ, and also possible for us, without discarding our philosophic faith in the ultimate salvation of society, to discount to a certain extent the equanimity with which Mr. Weber views the conditions of city life. Nevertheless, we must admit that for practical purposes Mr. Strong is fundamentally right. Even if the cities do not contain an actual majority of the population, their influence upon social ideals is likely to become more and more powerful and far-reaching, and the city presents for itself and for the nation a problem, the only adequate solution of which must



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be found in a combined civic intelligence and civic conscience so far removed from the spirit now dominating municipal politics that it may be said to involve a radical change in human nature or in the conditions under which human nature finds expression. For one who has felt the thrilling torture of a transformation from rural or village life to the life of a metropolis like New York or Chicago, it would require more figures than Mr. Weber has marshalled to prove that the city is all right. Yet *The Growth of Cities* is an eminently sane book which, in Emerson's phrase, says to the prophet of evil and the overweening reformer, "Why so hot, my little sir?"

It has been one of the loudest complaints of municipal reformers that the welfare of the city has been and still is prostituted to the interests of national political parties. Through this subordination and neglect of distinctly city politics, municipal problems have been accumulating on our hands until their number is legion and their mass mountainous. In recent years they have begun to compel more than local attention, and there are not wanting indications that the time may come when, instead of being prostituted to national party interests, municipal issues will take their turn at domination and themselves determine the lines along which national political struggles will be fought. In that case we should have the city problem, rather than the city population, dominating the politics of the country.

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There are many reasons why the city problem is assuming national proportions. Several of these have already been indicated. First, democracy, the tool with which we are cultivating human nature in America, has been badly damaged by its contact with city conditions. We must attend to our tool, repair it, and perfect it, or find ourselves suddenly set back into political barbarism doing hand-labor only. Secondly, the city, as the centre of civilization and the distributing centre of the nation's intelligence, tends to impose its ethical and social ideals upon the whole people irrespective of residence. Thirdly, as the accumulation of enormous wealth in the hands of one man without a corresponding responsibility for its use with reference to social welfare, is a positive menace to the general well-being, so the concentration of wealth in a single city, without a clear recognition on its part of its duty to the state, becomes dangerous to the public weal. It is the tendency of a great accumulation of wealth to levy tribute upon industry, and, through its dominating power, to reduce poor men and men of moderate means to a condition of economic dependence. So the growth of cities, with their enormous and disproportionate wealth, unless their public policy subserves the interest of the state at large, will in the long run destroy the independence of agriculture, and make the life of the tiller of the soil even more hopeless than that of the city workingman. This prodigy of which we boast, our civilization, reaches out to

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the remotest townships, and levies tribute upon the backwoodsman even.

Under our present system of government, in most of the states of the Union, the legislatures, composed largely of rural representatives, have the responsibility for organizing the political mechanism through which the cities are governed. It needs close attention to the municipal problem to show the countryman this, even, that the safest way to protect his own interests from the evils of domination by bad cities, is to throw these cities upon their own political responsibility, perfect democracy in them, and make himself effective allies of the masses of the city people, who suffer as he does from the imperialism of concentrated wealth. The city problem is a national problem, and there is no excuse for indifference in regard to it on the part of any citizen. In its broadest terms, it presents the simple questions: Shall the city be permitted to destroy democracy and thereby undermine our national institutions? Shall the city be permitted to absorb the brains and wealth of the nation and consume them wastefully?

We must not, however, overemphasize the national aspect of the case, or what may be called the external problem of the city; for, in accordance with the genius of our institutions, the city must face and solve its own problem for its own sake and for the nation's sake. What, then, is the city problem from the standpoint of the city itself? What must the citizen of the city set out to do?

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Or, in other words, what is the function of municipal government, the institution through which the citizens of a city combine to carry out their ideas of what their city should be made to be?

Walt Whitman, who, more than any other American writer, stands for boundless faith in the masses of men under democratic institutions, and whose ideals of life are coming to have a deeper and deeper influence among his countrymen, saw with the instinct of genius the main outlines of the city problem. Away back in September, 1870, he wrote:—

“After an absence, I am now again in New York City and Brooklyn, on a few weeks’ vacation. The splendor, picturesqueness, and oceanic amplitude and rush of these great cities, the unsurpassed situation, rivers and bay, sparkling sea tides, costly and lofty new buildings, façades of marble and iron, of original grandeur and elegance of design, with the masses of gay color, the preponderance of white and blue, the flags flying, the endless ships, the tumultuous streets, Broadway, the heavy, low, musical roar, hardly ever intermitted, even at night, the jobbers’ houses, the rich shops, the wharves, the great Central Park, and the Brooklyn Park of hills, the assemblages of the citizens in their groups, conversations, trades, evening amusements, or along the byquarters, — these, I say, and the like of these, completely satisfy my senses of power, fulness, motion, etc., and give me, through such senses and appetites, and through my æsthetic

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conscience, a continued exaltation and absolute fulfilment. . . .

"But, sternly discarding, shutting our eyes to the glow and grandeur of the general superficial effect, coming down to what is of the only real importance, personalities, and examining minutely, we question, we ask, are there, indeed, *men* here worthy the name? Are there athletes? Are there perfect women to match the generous material luxuriance? Is there a pervading atmosphere of beautiful manners? Are there crops of fine youths and majestic old persons? Are there arts worthy freedom and a rich people? Is there a great moral and religious civilization—the only justification of a great material one? Confess that to severe eyes, using the moral microscope upon humanity, a sort of dry and flat Sahara appears, these cities crowded with petty grotesques, malformations, phantoms, playing meaningless antics. Confess that everywhere, in shop, street, church, theatre, bar room, official chair, are pervading flippancy and vulgarity, low cunning, infidelity—everywhere the youth puny, impudent, foppish, prematurely ripe—everywhere an abnormal libidinousness, unhealthy forms, male, female, painted, padded, dyed, chignon'd, muddy complexions, bad blood, the capacity for good motherhood deceasing or deceas'd, shallow notions of beauty, with a range of manners, or rather lack of manners, (considering the advantages enjoy'd,) probably the meanest to be seen in the world."<sup>1</sup>

<sup>1</sup> Walt Whitman, *Prose Works*, p. 211.

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The problem is still the same, as a recent writer in one of the metropolitan dailies has indicated. "Some time ago," he writes, "a Western friend said to me: 'Your New York will soon be a place of hotels, theatres, stores, banks, palaces, railroad stations, museums, churches, tenements, flats, clubs, gambling houses and worse. It is magnificent, but hideous.' Nowhere in this comprehensive list occurs the word 'homes.' And the lack of homes is the first penalty that New York is paying for its greatness."<sup>1</sup>

In these contrasts we get a view of the peril of city life in America. What civic spirit there has been heretofore has, for the most part, conceived of the city problem after this simple fashion: "What can we do to induce more factories to locate here, and bring more people to buy our goods and our city lots?" Number of residents and volume of business have been considered the criteria of municipal success, and the enterprising and "public-spirited" citizen has seldom applied his brain or put his hand to municipal affairs save with this idea in mind. But with the city thrown upon its own resources, and given full power and responsibility for the solution of its own problems under a democratic form of government, this conception of the ideal of civic progress will inevitably undergo a radical change; for the great masses of people in all of our great cities are beginning to cry

<sup>1</sup> Frank Tucker in the *New York Herald*, February 16, 1902.

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out for conditions of life that will make freedom possible.

Occasionally we hear a voice raised in behalf of a higher ideal for cities than that they should be a dumping-ground for people and riches. "The ideal city," said Benjamin Harrison, "must be a city where people diligently mind their own business, and the public business, and do both with a decent regard to the judgment and the rights of other men; a city where there is no boss rule in anything; where all men are not brought to the measure of one man's mind, or to the heel of one man's will; a city where citizens are true and brave and generous, and who care for their own; a city having a community spirit but not the communistic spirit, where capital is respected, but has no temples; a city whose people live in homes where there is room for a morning-glory or a sweet pea; where fresh air is not delivered in pint cups; where the children can every day feel the spring of nature's green carpet; where people are not so numerous as to suggest that decimation might promote general welfare; where brains and manners, and not bank-ratings, give standing to men; where there is neither flaunting wealth nor envious poverty; where life is comfortable and toil honorable; where municipal reformers are not hysterical, but have the habit of keeping cool; where the broad judgment of a capital, and not the narrowness of a province, prevails; where the commerce in goods is great, but not greater than the exchanges of thought

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and neighborly kindness. We have not realized all these things. We count not ourselves to have attained, but we follow after.”<sup>1</sup>

There are numerous conditions naturally arising from the crowding of men in cities which tend to limit human opportunities for self-development. It is the purpose of democracy to make free men in the fullest sense of the word. It is the problem of the American city, by means of democracy, to assess equitably the tax that nature levies for the benefits of city life upon those benefits, to the end that the city may fulfil its mission as the centre of a robust, clean, beautiful civilization, into which the nation's life may pour without danger of corruption. In its more immediate and practical aspect, the problem of the American city is to make itself a place fit for men, women, and children to live in. It is my purpose in the succeeding chapters of this book to present to the reader the various phases of this great American city problem as it is working itself out in the varied functions of city government, in the political organization of municipal democracy, and in the relations which bind the city to the state at large.

<sup>1</sup>Quoted in *California Municipalities*, April, 1901, p. 85.



## CHAPTER II

### THE STREET

THE problems of the street are the first, the last, and the greatest of the material problems of the city. It is the street that makes the city possible to begin with, that permits the city's growth year by year, and that finally must check the increase of population and business by sheer inability to provide opportunity for movement. In the street we have the first and the best example of the purposes of city government. Here, by the coöperation of the whole community, a free way is provided, an "open road," a channel for traffic and transportation for the use of all alike. It is seldom realized how large a share of municipal activity is carried on in the street. Besides the work of making and improving the street itself, besides the work attendant upon the service of public utilities upon, over, and under the street, we must remember that the police department is mainly a street department, and that the fire department is absolutely dependent upon the street for its efficiency. The street is the symbol of the free city wherein all coöperate to secure opportunity for all. Democracy as a means to liberty and as a method of law finds its expres-

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sion in the street. It is no wonder that the curtailment of the people's rights in the street through the grant of special privileges to individuals and corporations is widely regarded as a menace to popular institutions and a step toward the overthrow of the principles of free government. The control of the streets means the control of the city.

The general plan of the streets of a city is important because it is the basis for the organization of the city's transportation systems. The width of the streets is even more important. The main difficulty in respect to both these matters lies in our inability to foresee and make provision for the future.

The lower part of Manhattan Island is the business centre of a metropolitan community of nearly five million people. And yet if skyscrapers were built everywhere that buildings now stand in the district below Fourteenth Street, office room could be provided for four or five times the amount of business now conducted there. New York streets, so aptly called "city cañons," simply could not accommodate the traffic that would be involved in this multiplication of business. Yet New York, after years of congestion, with its army of business men and clerks struggling daily under almost inhuman conditions to get to work in the morning and to get home again at night, is at last building a subway at enormous expense, expecting relief. It is like sweeping back the ocean with the kitchen broom. The subway will be crowded almost in-

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stantly, and New York will scarcely be better off with it than she was ten years ago without it. It has even been suggested that the metropolis be provided with streets of several stories, — tunnels underneath for rapid transit, sub-tunnels for railroad traffic, truckways on the surface for ordinary vehicles and trolley cars, elevated roadways for passenger cars as at present, and footways on the first terrace of buildings. Unless some unlooked-for turn in human affairs should come soon, New York will go on building bridges and digging tunnels at enormous cost, charged up to a future likely to be even more overburdened than the present. The facilities for transportation will be constantly crowded by the demands of travel and traffic, and no matter if the city makes an ant-hill of itself, that will bring no real relief from the existing conditions. Population and business have got a long start of the city's plan, and the unequal race will continue till the sheer expensiveness of the necessary readjustments impoverishes even New York, although she levies tribute on the industries of the whole Republic.

Probably few of our cities will have attained the magnitude of New York in another century. Still, we have sixty-two cities as large as New York was a hundred years ago, and if we are to accept the prognostications of the publicists, what may we not expect by the year 2000? Certainly not the millennium, unless great preparations for it are begun at once. The case of New York simply

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illustrates in a somewhat exaggerated way the fate of big cities that are not prepared for their own growth. When once the wealth created by the urban development in its earlier years has been appropriated to private purses, and the community left in arrears so far as its necessary physical improvements are concerned, the struggle becomes almost hopeless. Urban needs can hardly be satisfied after that without practical confiscation, and the jostle and hustle of city business will go on at accelerating speed until life becomes what it is in New York to-day, — by turns a nightmare and a voluptuous dream.

In practice the American people have not realized sufficiently the social importance of the street. In many states, when the country was new, private road companies were organized to construct roads and keep them in repair, and many toll-gates are still standing, often in the vicinity of large cities, to testify to the persistence of private rights where the power to levy tribute upon traffic has once been given. The toll roads are being gradually brought under public control, and doubtless in time all roads will become free. There is, however, a curious and striking illustration of the possibilities of the private control of streets in the city of Baltimore. There a number of roads leading out of the city are actually owned by the street-railway company that has its car lines in them. The public, using these streets for ordinary purposes, are exercising the privileges of a franchise in the company's

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streets, and have to pay toll even within the corporate limits of the city.

This case, though not very important in itself, makes a vivid impression upon the imagination. Americans have come to regard the public highways as public property, and municipal ownership of streets is so much a matter of course that it is ordinarily unnoticed. It is a part of the fully-accepted American theory that streets should be laid out, improved, and kept in repair at public expense and by public authority. Street improvements, however, especially opening, grading, and first paving, are usually paid for, not wholly by the city at large, but mainly by the property adjoining or adjacent to the street, and such improvements are usually undertaken upon the initiative of adjoining property holders, though the city council generally has the ultimate authority to order the improvement even against the protest of those who are to pay for it. The control of the streets, so far as the construction of the road-bed for general travel and traffic is concerned, is a clearly recognized monopoly conducted by the local authorities in the interest of the community.

The growth of cities and the progress of mechanical arts have brought about improved methods of transportation, and have given rise to new and peculiar uses of the street. When the railway becomes as absolutely essential in the common, everyday life of the people as the wagon road is, — and that day seems to be at hand, for city people at any

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rate,— it may come to be considered as anomalous to have privately owned railways as it is now to have private roads. In the case of the street railways, however, where the companies make use of the ordinary streets, acquiring certain rights of way and modifying the road-bed to meet their needs, even though general traffic is considerably inconvenienced thereby, the anomaly of private ownership will perhaps sooner become apparent. Monopolies and special privileges controlled by private persons for selfish ends, where they involve the power to tax the common necessities of life, are, of course, inimical to democracy, both in theory and in practice. A street-car strike in a great city brings to light the enormous power involved in the control of city car lines. In proportion to the usefulness of a thing is its power over us, and the street railway system in its comparatively short life has so fashioned the growth of our cities and so changed the habits of their citizens that a tie-up of the lines means a very serious paralysis of city life. In a city like New York a complete stoppage of the cars and ferries for a week would have unthinkable consequences. Private ownership of the facilities for transportation can be tolerated under such circumstances only when ownership is so far subordinated to public control as to be in fact conditional. Strictly speaking, under the conditions of life in a great city, private ownership of transportation facilities is impossible. These facilities are so public in their

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very nature that law itself cannot successfully contravene this fact and make them private. In a great city the transportation system has to be nearly as constant and certain in its operation as the law of gravity.

The control of transportation facilities in their development is scarcely less important than in their use. Here we encounter, to be sure, two radically different views of social progress. On the one hand are the people who say that cities are not made, but grow; that private effort follows in some mysterious way the natural law of social development, while public or community effort stumbles along mechanically, runs counter to nature, and destroys what it strives to develop. This view is responsible for the "let alone" theory in general politics. On the other hand, we find a large class of people who believe in conscious community effort, asserting that community effort is just as "natural" as private effort, and in many cases more so. Men of this class hold that common sense and foresight can be applied to public affairs with just as good results as to private affairs. Evidently, from the political or governmental standpoint, this view is exclusive. The other involves a contradiction of the very existence of governmental organization; it is anarchistic. From the socialistic or coöperative standpoint, the development of facilities for transportation should be governed consciously for the furtherance of certain social ends or the avoidance of certain social evils.

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The city of New York may again be brought up as an example of what the development of the transportation system, guided by private forethought, will accomplish. The topographical situation and the conditions favored the growth of a great city. This prospect was recognized long ago. In fact, at the beginning of the last century, when New York had less than one hundred thousand inhabitants, a local newspaper figured out with tolerable accuracy the present population of the American metropolis.<sup>1</sup> Manhattan Island, superbly situated for the site of a healthful and beautiful city, if developed along rational lines, is nevertheless so narrow and separated from Long Island on the one side and New Jersey on the other by such wide expanses of water, that crowding was to have been expected there with the growth of a great city, unless extraordinary measures were adopted to control the distribution of population. Perhaps we should not blame the citizens of New York of the early part of the nineteenth century for their lack of foresight in municipal matters, for at that time the modern era of city-building was hardly begun, and mistakes that would be inexcusable in the light of the experience of the past century could have been avoided at that period only by extraordinary wisdom and civic patriotism. This fact does not diminish, but rather increases, the responsibility of the present generation to awake

<sup>1</sup> *The New York Daily Advertiser*, April, 1806.



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to a higher civic consciousness, and to a determined municipal program to protect the future against the ravages of the present.

The city of New York, by its early charters, was granted the municipal ownership of the ferries, markets, lands under water for four hundred feet about the island, and all unappropriated lands on the island to low-water mark. The revenues from these municipal properties usually paid the expenses of the government in the early days, but gradually the city fell into the policy of selling its lands to meet extraordinary demands upon its treasury, and this policy was not reversed until practically the whole of Manhattan Island, an almost priceless heritage from the fathers, had become the property of individuals, and the enormous wealth created by the growth of the city was not available for the public improvements peculiarly necessary in New York to prevent intolerable congestion.<sup>1</sup>

As long ago as 1864 the tenement population of New York was reckoned at 486,000, and the Council of Hygiene, in a report to the Citizens' Association on the sanitary condition of the city, said: "It is true that the tenement-houses of New York are rapidly becoming the nests of fever and infection and the poisoned abodes of physical decay. It is true that in the tenement-house districts a worse than Spartan fate awaits all children,

<sup>1</sup> See Mr. E. Dana Durand's *The Finances of New York City*, pp. 18, 19, 226, 227.

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and that cholera infantum, convulsions, scrofula, and marasmus hover with ghoulish fiendishness about the dismal and crowded tenant-houses of the great mass of infantile lives within the city. It is true that we find the great body of the former middle class of society rapidly becoming absorbed into and allied with the poor tenant-house class, and experiencing the lamentable evils that surround such homes as theirs; it is true that the tenant-houses of the city as a whole, as well as of particular districts, are becoming rapidly and perilously aggregated; and it is likewise true that moral, social, and political evils are fearfully augmenting and ominously threatening in our city, in consequence of all these unfortunate physical conditions. But is it not reasonable and true that inasmuch as the causes of all these evils have been and are mainly physical, — or at least always allied with material agencies which are under human control, — in the same degree, and conversely and by redeeming conditions mainly of a physical nature, the evils we now deprecate, and the impending perils we now fear, may be and should speedily be averted and effectually prevented?"<sup>1</sup>

In 1868, according to the report of the Board of Health, there were 18,582 tenement-houses in the city, while the 4120 dwellings of the seventeenth ward sheltered 95,091 people or 23 persons to a house, and in the fourth ward the population was

<sup>1</sup> Council of Hygiene's *Report on Sanitary Condition of New York*, p. lxxiii.

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crowded in at the rate of 290,000 to the square mile. A few years later Mr. Charles Loring Brace, writing of the dangerous social effects of crowding, recommended a better system of transportation as the most promising means for improving conditions. "The great remedies," said he, "are to be looked for in broad general provisions for distributing population. Thus far the means of communication between business New York and the suburbs have been singularly defective. An underground railway with cheap workmen's trains, or elevated railways with similar conveniences, connecting Westchester County and the lower part of the city, or suburbs laid out in New Jersey or on Long Island expressly for working people, with cheap connections with New York and Brooklyn, would soon make a vast difference with the concentration of population in our lower wards."<sup>1</sup> The underground railway recommended is just now being built at enormous expense under municipal control.

For several decades the elevated roads have borne their millions of passengers up and down the city, making three or four of the great north and south thoroughfares hideous with darkness, noise, and obstruction. Few experiences can be more suggestive of the worst evils of crowding in great cities than to ride on the New York elevated trains and look into the countless windows where homes are deprived of even that modicum of pri-

<sup>1</sup> *The Dangerous Classes of New York*, pp. 58, 59.

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vacy which results from living in upper stories, and where the deafening roar of the trains a few feet away is almost continuous. For the development of a system of street railways, the city from time to time granted franchises which are now worth, subject to the conditions imposed by the grants, in the neighborhood of, perhaps, \$250,000,000.<sup>1</sup> The story of these grants is the all too common story of municipal short-sightedness and official corruption. There is, indeed, no fact more potent to make the blood boil in the veins of a free citizen of a free country than this, — namely, that the Broadway franchise, granted by boodlers some of whom were

<sup>1</sup> This estimate is a mere rough approximation. As shown later, in Chapter XI, the value of all New York City's street-railway franchises, including those of the elevated roads, would be about \$240,000,000 if figured on the same proportion of franchise value to total value as indicated by Mr. Maltbie's analysis of Chicago street-railway statistics. We should remember, however, that in New York there are many perpetual franchises in a city where population is extremely dense, while in Chicago many of the franchises soon expire. This would tend to greatly increase the proportionate value of the franchises in New York. As a matter of fact, the Reform Club Committee on City Affairs, basing its judgment on figures furnished it from what it considers a reliable source, estimates the value of the franchises of the surface lines alone in old New York at \$175,000,000. If the franchise values of the surface lines in the boroughs of Brooklyn, Queens, and Richmond, and of the elevated roads, bore the same relation to the total amount of their capitalization, as the franchise value of the lines included in the committee's estimates, we should have a total of about \$370,000,000 of franchise values for all the surface and elevated roads of New York City. See *Municipal Affairs*, Vol. VI, No. 1, pp. 68-86, Vol. V, No. 3, pp. 439-594, and *Street and Electric Railways*, Bulletin No. 3, United States Census Office; pp. 55, 56.

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afterwards convicted of receiving great bribes for their votes, nevertheless remained a valid grant, and the people had no remedy. The development of the transportation system of New York under influences such as these could not have been expected to serve any social purposes in so far as they might oppose or transcend the private interests in control. At the rush hours, when the great mass of clerks and business men have to go down town to their business or back to their homes, riding in a New York elevated train is much like joining in a foot-ball rush. The cars seat forty-eight people each, but are often so crowded that more people are standing than sitting. Men and women are packed in, in uncomfortable positions, with wretched air to breathe, and the common courtesies of civilized travel made impossible. Similar conditions haunt much of the travel on the surface cars, and the New York end of the old Brooklyn Bridge is the scene of a daily mob. The conditions of street-car travel in Brooklyn are so bad that a recent grand jury declared them intolerable, denounced the private management, and prescribed municipal operation as the only guarantee that the transportation system of the great metropolis would be conducted in a manner to subserve necessary social ends.

We need not blame the private companies in control of the streets of New York more than other men engaged in strictly self-seeking enter-

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prises, but it is certain that the transportation system has lagged behind the growth of the city, and has never been within hailing distance of the stage of development where it could really relieve the congestion of Manhattan Island. Says the Tenement House Commission of 1900: "With all the remedial legislation and regulation which has been put into operation since the enactment of the first tenement-house law in 1867, the present type of tenement, occupying 75 per cent of a twenty-five-foot lot, with four families on a floor, gives to its occupants less light and less ventilation, less fire protection and less comfortable surroundings, than the average tenement of fifty years ago, which was lower in height, occupied less lot space, and sheltered fewer people."<sup>1</sup> More than three-fourths of all the people of old New York live in tenement and apartment houses. The city has reached a point where even the reformers despair of better transportation as a remedy. In answer to the question whether rapid transit and tunnels and bridges across the East River would solve the problem, the commission says: "A family which now pays from \$12 to \$18 a month for its apartment in a tenement-house must be able to pay at least \$20 a month for a separate house in the suburbs, a reason sufficient in itself to keep it in the tenement. Other influences — familiarity with tenement life, which, however distasteful to previous generations, has

<sup>1</sup> *Unpublished Report*, p. 5.

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now perforce grown into habit, the natural inclination of our large foreign population to group itself in neighborhoods on national lines, and other causes equally potent — all tend in the same direction.”<sup>1</sup>

Going on to speak of “the tall tenement-house accommodating as many as 100 to 150 persons in one building, extending up six or seven stories in the air, with dark, unventilated rooms,” the commission says that this type, so common in New York, is practically unknown abroad. The tenement-house problem is more acute in New York than anywhere else in the civilized world. “The effect upon the population of the form of congregated living found in our tenement-houses,” continues the report, “is to be seen not only in its results upon the health of the people but upon their moral and social conditions as well. The public mind just now is especially aroused over the manifestations of one special form of vice in tenement districts. It is not to be wondered that vice in various forms should manifest itself in the tenements; the wonder is that there is not more vice in such districts. The tenement districts in New York are places in which thousands of people are living in the smallest space in which it is possible for human beings to exist — crowded together in dark, ill-ventilated rooms, in many of which the sunlight never enters, and in the most of which fresh air is unknown. They are centres

<sup>1</sup> *Unpublished Report*, p. 7.

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of disease, poverty, vice, and crime, where it is a marvel not that some children grow up to be thieves, drunkards, and prostitutes, but that so many should ever grow up to be decent and self-respecting. All the conditions which surround childhood, youth, and womanhood in New York's crowded tenement quarters make for unrighteousness. They also make for disease. There is hardly a tenement-house in which there has not been at least one case of pulmonary tuberculosis within the last five years, and in some houses there has been as great a number as twenty-two different cases of this terrible disease. From the tenement there comes a stream of sick, helpless people to our hospitals and dispensaries, few of whom are able to afford the luxury of a private physician, and some houses are in such bad sanitary condition that few people can be seriously ill in them and get well; from them also comes a host of paupers and charity seekers. The most terrible of all the features of tenement-house life in New York, however, is the indiscriminate herding of all kinds of people in close contact,—the fact that, mingled with the drunken, the dissolute, the improvident, the diseased, dwell the great mass of the respectable workmen of the city with their families.”<sup>1</sup>

Conditions in New York are undoubtedly extreme, but still typical of the tendencies of unregulated municipal development. The New York Commission found by careful inquiry that the tenement-

<sup>1</sup> *Unpublished Report*, pp. 12, 13.



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house problem is also present in Boston, Jersey City, Cincinnati, and Hartford.<sup>1</sup> Surely there can be no excuse for a city like Hartford to permit itself to be afflicted with such a problem. Transportation can surely provide an adequate remedy in a city of less than one hundred thousand people. To any city the avoidance of the congestion of population in tenement-houses is so transcendently important that the city cannot afford to stop short of the most heroic measures necessary to make the transportation system do its utmost to subserve the large civic interests.<sup>2</sup>

It seems hardly necessary to point out the commanding importance of full municipal control

<sup>1</sup> According to this New York Commission, Chicago, Buffalo, Pittsburg, and Kansas City, while having few tenement-houses like those in New York, have serious housing problems arising from unsanitary dwellings.

<sup>2</sup> The housing problem has attracted a great deal of attention in London in recent years. Two or three years ago, at a special conference to consider this problem, Mr. Charles Booth read a paper on *Improved Means of Locomotion as a First Step towards the Cure of the Housing Difficulties of London*. Speaking in favor of municipal enterprise, he said : " The choice lies, in effect, between working a monopoly or granting one for some one else to work, who is, in the present case, likely to be less enterprising than a public authority ; less capable of looking at the whole service in a broad spirit ; and is therefore less fitted for our purpose. . . . The reasons in favor of a unified scheme are obvious, and show in the clearest way the advantage of public over private enterprise in this matter for the attainment of the end we have in view. Private enterprise will seize on the most profitable routes and reject all others. Public enterprise will look to the profit on one part of the system to help those not less necessary parts (from a public

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over the water-supply of any large city. But all large cities were once small, and it is while a city is small that its policy in regard to public utilities, especially the water-supply, is usually determined. Once a franchise is granted, it is difficult and expensive for the municipality to get control. For example, the city of Los Angeles, California, inherited from the old Spanish pueblo municipal rights in the water of the river, which is the most available source of supply for the city. In 1868 the city turned over its embryo waterworks to a private company, and entered into a thirty-year contract with it for the supply of water to the citizens. When this contract expired a few years ago, the city wished to regain control of its water-supply, but it was successful only after a prolonged struggle. Says the municipal Board of Water Commissioners in its first annual report: "It is not necessary, nor is it fitting, that this report should attempt to deal with the merits of the controversy between the water company and the city which arose upon the expiration of the term of the contract and was carried on for over three years, in many actions, in all the courts having jurisdiction, and involving many difficult questions of law and equity. The controversy has been terminated by the taking over of the works by

point of view) of which the working is less, or perhaps not at all, profitable. To allow private companies to acquire all the main routes would be apt to block the way to all further action, and endanger the indirect results at which we aim."

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the city at the agreed price of \$2,000,000, and the settlement was overwhelmingly approved by the citizens, as shown by their vote of over five to one authorizing the issue of the water bonds. It is well, however, to seriously consider and take to heart the unmistakable lesson taught by the whole history of this transaction, beginning with the execution of the contract in 1868 and ending with the payment of the price for the works in 1901; and that lesson is the unwisdom and the danger of yielding up for any consideration or to any person the municipal control of the waters which the city owns and has always owned. It is not the economic theory of municipal ownership and administration of public utilities which concerns us; we are confronted with a condition and not a theory. The city owns its water and our experience should convince us of this generation of the far-sighted wisdom of our Spanish and Mexican predecessors in holding on to their rights in the waters of the river of Los Angeles with a grip of iron.”<sup>1</sup>

At first thought the importance of public control over the distribution of gas would seem to be less absolute than in the case of water and transportation. Still, it is generally recognized that cheap gas for heat, light, and cooking is a matter of great moment to the masses of people living in large cities. One of the strongest reasons that Dr. Shaw finds for commending the

<sup>1</sup> *Annual Report of the Board of Water Commissioners of the Domestic Waterworks System of Los Angeles, California, 1902, p. 4.*

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municipal distribution of gas in Glasgow is this very fact of the beneficent effects of cheap light and fuel from the standpoint of the general welfare.<sup>1</sup>

A recent writer in the *Municipal Journal and Engineer*<sup>2</sup> has called attention to a condition of affairs that affords a still more imperative reason for municipal control. "There are few American communities," says this writer, "in which the facts of gas leakage and distribution, if known and comprehended, would not create a popular panic. I will give the facts for one American city. The loss in distribution was about 11 per cent; in round figures, three thousand millions of cubic feet. At 60 cents per 1000, this is \$1,800,000 per annum which the consumer must pay. This gas is known as water-gas. Most of the leakage is under measurably or absolutely impervious pavements. It cannot work its way up through the soil and escape, but most of it in one way or another gets into houses." The writer goes on to explain that pavements are destroyed by this escaped gas, the olefants attacking and decomposing the binder of asphalt. The fire hazard from gas leakage is immense. The New York City bureau of buildings, in recent investigations, have usually found from 0.2 or 0.3 per cent to 5 per cent of gas in the air of theatres, music halls, and other places of public assembly, even dur-

<sup>1</sup> Albert Shaw, *Municipal Government in Great Britain*, pp. 18-21.      <sup>2</sup> September issue, 1902, Mr. James C. Bayles.

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ing the summer with the maximum of ventilation. In commenting on the hygienic aspects of the case, this writer quotes the expert opinion of a New York specialist. "The principal cause," says he, "of the anæmia and lowered vitality which sooner or later appears in all city workers is the illuminating gas with which the atmosphere is heavily charged. When inhaled in large quantity, carbon monoxide causes a profound anæmia, often fatal. When the air contains but a small percentage, a less pronounced anæmia gradually but surely appears. Doubtless this will be recognized eventually as the cause of the readiness with which the city dweller contracts grippe, tuberculosis, pneumonia, and many other diseases." Dr. Shaw states that in Glasgow, under private ownership, gas leakage amounted to 20 per cent, while under municipal control it has been reduced to half that.<sup>1</sup>

The desirability of public control over electric lighting and telephone services, apart from the question of special privileges in the streets, arises mainly from the importance of the cheapest possible service to the citizens. Electricity is considered the ideal form of light. It should certainly be used in all public buildings, and the extent of its use for this purpose and in lighting the streets may often justify a municipal plant even though the city does not go into the commercial lighting business. So far as the telephone is concerned, it

<sup>1</sup> *Op. cit.*, p. 119.

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is still a rather expensive luxury for many who use it, but the organization of business and social life is adjusting itself so largely with reference to this instrument of communication that in the long run the people who cannot afford telephones in their homes will be seriously handicapped in their relations with society. In this, as in many other things, the development of modern conveniences tends to increase the advantages of the business and professional classes of the community. It is important, therefore, from the standpoint of democracy that the modern means of communication should be accessible to as large a number of citizens as possible.

In the preceding pages I have attempted to indicate the paramount interest of the city in the right development of the ordinary so-called municipal utilities. Perhaps an equal interest on the part of the public in other services, such as, for example, the fuel and food supplies, could be shown. There is, however, one important fact that distinguishes what are commonly called local public utilities from other social services. This fact is the necessity for the use of the streets in peculiar and practically exclusive ways by street railways, water, gas, and electric works, and telephone systems. A franchise is a special privilege and involves the right to place in, under, or over the street certain fixtures by means of which a business can be carried on. The streets being limited in width and tending to become crowded

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in use in large cities, a street franchise naturally gravitates toward monopoly. This is particularly true in regard to street railways where the necessary fixtures are placed in the road-bed itself, and one double line of tracks occupies so large a share of the street surface that in ordinary cases competing lines in the same street are not to be permitted by the public. The case is not quite so clear where the fixtures are pipes or conduits underground or wires overhead. But the expensiveness of competition, where a complete duplication of the distributing system is involved, as well as the reluctance of the city to permit frequent tearing up of the road-bed, or the multiplication of wires overhead, operates in practice to produce monopoly in most cases. Out of 78 cities having a population of more than 50,000 each in 1900, only 15, or 19 per cent, have more than one gas company.<sup>1</sup> The existence of a monopoly, managed by a private individual or corporation, renders the public control of any common service in the interests of the community at large extremely difficult. So far as special privileges in the street are concerned, competition would only aggravate the difficulty and make municipal control more needful, if that were possible. In any case the streets of a city are such an essential asset of its free citizens that it is questionable whether a municipal corporation should ever grant the right to any

<sup>1</sup> These figures were compiled from the *Municipal Year Book*, 1902.

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private parties to place fixtures in the highways. At least, any such rights, if granted, should be strictly limited in their term and the manner of their exercise, and should be revocable whenever the public interest demands. A condition of affairs where a private company can fight the city on a claim of rights in the street in perpetuity, or for a term of years, on the strength of some doubtful or implied grant, is well-nigh intolerable. Furthermore, practically all those services which require special privileges in the streets are of such general importance as to demand that their performance be very nearly at cost. Cheap water, light, and transportation have come to be almost as essential a condition of life in cities as free highways. This brings us to the practical question of municipal franchises and the control of municipal monopolies in American cities.



## CHAPTER III

### THE CONTROL OF PUBLIC UTILITIES

ACCORDING to the *Annual Report* of the United States Department of Labor for 1899, there were at that time 3326 water plants, 965 gas-plants, and 3032 electric-light plants in this country. Of the waterworks, 1787, or 53.7 per cent; of the gas-works, 14, or 1.5 per cent; of the electric-light works, 460, or 15.2 per cent, were owned by the municipalities. These municipal plants represented 67.5 per cent, 0.6 per cent, and 4.6 per cent of the estimated total investment in waterworks, gas-works, and electric-light works respectively. These figures indicate that municipal ownership of waterworks is relatively more common in the large cities than in the small ones, while the reverse is true with regard to electric-light works. This observation is confirmed by the *Statistics of Cities* for 1902 contained in Bulletin No. 42 of the Department of Labor. It appears that of 38 cities with a population of more than 100,000, all but 8 own the waterworks; and of the 40 cities having between 50,000 and 100,000 population, there are only 11 supplied with water by private companies. The principal cities without municipal waterworks are San Francisco, Indianapolis,

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New Haven, Paterson, St. Joseph, Omaha, and Scranton. Louisville has control of the company which furnishes water to the city. Jersey City owns the distributing system only. Denver owns the system, but has leased it to a private company.

There are 4 cities out of 135 with over 30,000 population that own gas-plants. These are Philadelphia, Richmond, Duluth, and Wheeling. Philadelphia has leased its plant. Louisville owns a large part of the stock of the local gas company. In this same class of cities there are thirteen owning electric-light works, chief among them being Chicago, Detroit, Allegheny, Columbus, St. Joseph, and Grand Rapids, Michigan. It should be noted, however, that of the 50 largest municipal electric-light plants reported by the Department of Labor in 1899 only 20 were used for commercial lighting. I know of no instance in the United States where a city or town owns a street-railway or a telephone system, with the exception of the Boston and New York subways, and the Brooklyn Bridge railway formerly operated under the joint auspices of New York City and Brooklyn.<sup>1</sup>

At the other extreme is the sewerage system, which is almost universally owned by the city, there being only 47 private sewerage systems out of 1096 reported in the American *Municipal Year Book* for 1902. Nevertheless, New Orleans, until now the

<sup>1</sup> Grand Junction, Colorado, a town of 3500 population, owned for a year or two about a mile of horse railway, but the enterprise has been abandoned and the track taken up.

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most conspicuous American example of a sewerless city, twice granted a sewer franchise to private parties, though to no purpose in the end.<sup>1</sup> Sewerage being principally a sanitary measure, there is as a rule no charge made for the service, except that original construction expenses are often assessed upon benefited property. The natural result of these conditions is that sewerage lies almost outside the pale of municipal monopolies, and ordinarily offers little inducement for the investment of private capital.

The facts here summarized show pretty clearly the past American theory with reference to municipal monopolies. The supply of water is quite generally assumed to be a natural municipal function, although in cities where the works are owned by private companies a movement toward municipalization is met by the same objections that are raised against the municipal ownership of street railways or lighting plants. Thus in California, where only 13 cities out of 34 having a population of more than 3000 each have municipal waterworks,<sup>2</sup> the recent struggle for municipal ownership in the largest cities has met with determined opposition. Private ownership of gas-works has been the almost universal practice in American cities, but the growth of sentiment in favor of municipal ownership of such utilities is clearly shown in the

<sup>1</sup> See an article by W. T. Crotts in the *Journal of the Association of Engineering Societies*, November, 1901.

<sup>2</sup> See American *Municipal Year Book*, pp. 300-307.

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larger percentage of electric-light plants owned by the city, electricity having come into common use for street and house lighting much later than gas. The fact remains, however, that most of the municipal monopolies in the cities of the United States are privately owned and operated under franchises, or special privileges in the street, granted by the public authorities. Only a comparatively few of the large cities have the right, under their charters, to acquire or construct street railways, lighting plants, and telephone systems. The most marked exceptions to this rule are San Francisco, Denver, and Portland, Oregon, which have been given practically complete authority in this matter by recent legislation, and Chicago, which has been authorized to undertake the street-railway business by a recent act of the Illinois legislature.

Franchises in the streets are usually granted by the city council under express authority of the state legislature contained in the city charter, or in general or special acts governing the various kinds of franchises. This general rule is subject to numerous exceptions however. The state legislature may, in the absence of constitutional prohibitions, grant local franchises directly, and this power has sometimes been used. Unless forbidden by the constitution, the state legislature may also give public-service corporations of a certain class the right to use any or all of the public highways of the state or the streets of all cities in the

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state, under such limitations as to state or local control as the legislature sees fit to impose. This general authority, when exercised, sometimes leads to confusion as regards the rights of local authorities. For example, in Michigan, telephone companies are authorized by general law to construct and maintain their lines "along, over, across, or under any public places, streets, and highways," provided that their lines do not "injuriously interfere with other public uses of the said places, streets, and highways."<sup>1</sup> At the same time the municipal authorities have, as a rule, sufficient control over the streets so that it is practically necessary for a telephone company to secure a franchise from any city in which it wishes to operate. Gas and electric companies are authorized by the laws of Michigan to use the streets of any of the municipalities of the state, but their "pipes or conductors shall be laid with the consent of the municipal authorities of such cities, townships, or villages through which the same are laid, under such reasonable regulations as they may prescribe."<sup>2</sup> Under this provision lighting companies do, as a matter of fact, secure franchise ordinances from cities, but there is some doubt as to whether a city could absolutely refuse to let its streets be used by a lighting company. One of the annoying franchise problems of Grand Rapids arises from the fact that a decrepit private water

<sup>1</sup> See *Compiled Laws of 1897*, Sec. 6691.

<sup>2</sup> *Ibid.*, Sec. 7123.

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company operates under a special charter obtained from the legislature a great many years ago,<sup>1</sup> and keeps up a feeble competition under its perpetual franchise, with the city waterworks system, in the hope that the city may in time be induced to buy out its little rival at a substantial profit to the present owners. Michigan is, however, far behind the most advanced thought and constitutional practice of the states in the matter of franchises.

Many commonwealth constitutions specifically forbid the legislature's granting any special or exclusive privilege by special act, or authorizing the use of the streets by any public service corporation without the consent of the local authorities. A good example of this latter prohibition is found in the constitution of South Carolina, adopted in 1895. Section 4 of Article VIII provides that "no law shall be passed by the General Assembly granting the right to construct and operate a street or other railway, telegraph, telephone, or electric plant, or to erect water or gas works for public uses, or to lay mains for any purpose, without first obtaining the consent of the local authorities in control of the streets and public places proposed to be occupied for any such or like purposes." A provision like this, but applying to street railways only, is found in many state constitutions, particu-

<sup>1</sup> This charter was obtained in 1849, the year before the present constitution was adopted, and, although containing a reservation to the legislature of the right to repeal or amend, has been long considered a perpetual franchise.

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larly in the South and West. A curious reversal of the general tendency of constitutional limitations along this line is found in a Rhode Island constitutional amendment, adopted in 1892, which provides that no corporation shall be created with the power to acquire franchises in the streets and highways of towns and cities except by special act of the general assembly.

The two states in which the constitutions take the most advanced ground in regard to the control of franchise grants are Virginia and Colorado. The former in its new constitution, adopted in 1902, provides that "no street railway, gas, water, steam or electric heating, electric light or power, cold storage, compressed air, viaduct, conduit, telephone, or bridge company, nor any corporation, association, person or partnership, engaged in these or like enterprises" shall be permitted to use the streets without the consent of the municipal authorities, and such consent shall not be granted except by absolute three-fourths vote of the members of the city council. No franchise shall be granted for a longer period than thirty years, and the municipality, before granting it, must receive bids for it in a manner to be prescribed by statute. Any franchise may provide that the city shall come into possession of the works at the expiration of the grant, and operate them, if authorized by law. Every franchise must make adequate provision "to secure efficiency of public service at reasonable rates and the maintenance of the property in good

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order throughout the term of the grant." The general assembly is authorized to put further restrictions upon the grant of franchises.<sup>1</sup> A Colorado constitutional amendment, also ratified in 1902, provides that under the new "home rule" city charters, no franchises relating to the use of any street, alley, or public place shall be granted except upon vote of the qualified tax-paying electors.<sup>2</sup>

The method of granting franchises by popular vote only, or by popular vote if asked for by a certain percentage of the electors, is growing in favor, and bids fair to be the one established method of procedure in many states and cities in the near future. A movement is on foot in some cities to secure the adoption of a rule of procedure by the city council which would require every franchise ordinance, after passing its third reading and before its final passage, to lie on the table for thirty days; and, if within that time a petition signed by a certain number of members of the council, or a certain percentage of the voters of the city is presented asking that the ordinance be submitted to popular vote, then the franchise to be so submitted. As recently adopted in Detroit, this rule required a petition signed by eight aldermen or by 5 per cent of the qualified voters as shown by the last preceding registration. The old way of legislation, by ordinance passed by a majority vote of the city council, acting without

<sup>1</sup> *Constitution*, Secs. 124, 125.      <sup>2</sup> *Ibid.*, Art. XX, Secs. 4, 6.



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any particular limitation upon their power or procedure, is fast giving place to more careful methods such as are indicated by the provisions I have cited.

Even more important, if that is possible, than the authority and method of the grant, is its duration. We have been waking up of late years to the absolute iniquity of giving away, or selling, for that matter, the rights of posterity in the streets. It is coming to be recognized as an outrage upon future generations, something that would be branded as a crime by them if they could speak for themselves, to bind over in perpetuity to private control the open streets, the unique symbols of the city's freedom. The old policy, most forcibly illustrated in the franchise history of New York City, is absolutely conscienceless. It is a part of the general craze for the exploitation and appropriation to private use of the great natural resources of a new country. At the present time, no one would dare seriously to propose the grant of a perpetual franchise unless he included in it a provision for periodical revaluation, and continued payments to the city, or periodical readjustment of prices and continual improvement of service. The plan with these modifications has some good points, but the fatal objection to it is that it seeks to commit a city for all time to come against municipal ownership and operation or any other change which the future may show to be wise. Municipal ownership is

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certainly a question that we ought to leave coming generations free to settle as they see fit, even if we cannot trust ourselves to settle it.

In Massachusetts, franchises are indeterminate and revocable at any time at the will of the public authorities. Such a system has much in its favor, and the people of Massachusetts have shown conclusively that such franchises are safe enough for the companies working under them.<sup>1</sup> In most states, however, the constitution, the statutes, or custom now requires that franchise grants shall be for a definite period of years, usually not exceeding fifty, thirty, twenty-five, or twenty-one. The Virginia constitution limits them to thirty years. The charter of Greater New York limits future grants to twenty-five years, though the new subway is to be leased for half a century. Twenty-one years is the limit of time proposed by the National Municipal League, and laws permitting fifty-year grants in Ohio and Illinois have been repealed in recent years in response to tremendous popular indignation. In some cases grants have been extended or renewed long before their expiration. This practice often leads to protracted and expensive litigation. The Chicago street-railway companies claim for a part of their lines

<sup>1</sup> See *Report of the Street Railway Commission to City Council of Chicago*, December, 1900, pp. 24-26, and also *Report of the Special Committee appointed to investigate the Relations between Cities and Towns and Street Railway Companies in Massachusetts*, 1896, pp. 17, 18.

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a ninety-nine year extension by legislative act in 1865. The Indianapolis company a few years ago succeeded in establishing the legality of an amending ordinance passed in 1880, changing the term of a franchise granted in 1864 from thirty to thirty-seven years.

A table of forty-three street-railway companies in thirty-four cities of the United States, submitted by the Indianapolis company to a special committee of the Commercial Club of that city in 1899, showed about one-third of the franchises to be perpetual.<sup>1</sup> Rochester saved itself from the disgrace of granting a perpetual franchise by limiting the grant to the period of 999 years. In one or two other cities a ninety-nine-year franchise is claimed. There are fifty-year franchises in about one-fifth of the cities. In the rest the terms are generally shorter, and often different in the same city. In Michigan the constitution limits the life of corporations to thirty years, and, following this indication of state policy, the principal municipal franchise grants have been made for that period. In 1887, however, a gas franchise, without time limit, was granted by the city of Jackson, and it is at least questionable whether cities throughout the state could not grant perpetual franchises unless forbidden by their charters.<sup>2</sup>

One of the worst blunders committed by

<sup>1</sup> See *Report of Commercial Club Special Committee on Indianapolis Street Railway Franchise*, p. 26.

<sup>2</sup> Franchises granted to corporations would naturally expire

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American cities has been the grant of different franchises from time to time, which expire at different periods, and which are, nevertheless, so intimately connected that they cannot be operated separately except at a great disadvantage. This mistake has been committed in Cleveland<sup>1</sup> and Chicago, among other cities, and has furnished one of the knottiest problems of municipal control during recent years when these cities have been struggling for a satisfactory solution of the street-railway franchise question. Every clause that tends to make a franchise ordinance or law cloudy or contradictory seems to work out in favor of the private corporation, for it opens the way to lawsuits in which corporation attorneys show off to great advantage as against their comparatively low-salaried antagonists who look after the municipal interests.

The tendency of the time is to make franchise grants shorter and to make all subsidiary grants expire with the principal franchise. This public policy will in the long run prevail, in the absence of municipal operation, unless it is found that indeterminate grants keep the companies under better control.

The operation of a public utility franchise touches the interests of the people so intimately

with the life of the corporations, but, if granted to individuals, might perhaps be handed down in perpetuity.

<sup>1</sup> See "The Street Railroad Problem in Cleveland," by W. R. Hopkins, published in *Economic Studies*, 1896.

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and in so many ways, that only the most reckless of councils grant franchises without imposing terms and conditions upon the grantees. The first necessary condition is that the grantee shall not infringe upon the rights of the general public to the free use of the streets any more than is necessary for the successful conduct of his business. To this end provision is usually made for the exercise of some sort of control on the part of the municipal authorities as to what streets may be used and in what manner the necessary fixtures shall be installed. With street railways, which naturally are laid on a comparatively small number of streets, the franchise ordinance usually maps out the routes, and the grant is valid only for the routes so described. But with other public utilities which need to have access to all the buildings in the city, the ordinary franchise is a grant for the use of all streets, subject to a limited control by the authorities prior to the actual installation of the fixtures in new places. The franchise often requires the grantees to obey all street ordinances. This reservation gives the city the right to regulate the height and location of poles and the stringing of wires. It is generally competent for the authorities of at least the larger cities to require that all wires be put underground.

A second condition generally imposed in connection with a franchise grant is that the grantee shall, after opening the pavement to lay tracks, pipes, or conduits, restore the street to as good a

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condition as it was in before being torn open. The impossibility of enforcing this condition absolutely has led to considerable agitation in the great cities in favor of underground tunnels in which all pipes, wires, and conduits should be placed. The city of New York, in getting authority to construct its subway, forgot to ask for power to build such a tunnel gallery in connection with it. This blunder has since been partially corrected. In all cases the authorities should have strict supervision over the opening of pavements by the operators of street franchises.

A third condition, more important though perhaps not more necessary than the preceding ones, is the fixing of a maximum rate or price for the service rendered. This is most common in the case of street railways, though a maximum is often fixed in telephone and lighting franchises. In California, where private ownership has until lately been the rule even in the case of water-works, it is an express policy laid down in the constitution that the municipal governments shall have the right to regulate the charges of water and lighting companies. The attempt to exercise this right by the Board of Supervisors of San Francisco has been the occasion of much dissension, and has not brought altogether satisfactory results. In connection with a maximum fare requirement, other conditions in regard to service are often imposed in the case of street railways. There is a strong sentiment everywhere in favor of

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universal transfers, so that a person can ride from any one place in a city to any other for a single fare. This is a very difficult proposition in cities where there are two or more companies, and, in any case, the system, unless carefully guarded, lends itself to abuses. The average citizen has even less scruples about cheating a street-railway company than he has about imposing a short day or a high price upon his municipality. This fact has undoubtedly had a good deal to do with the stiff opposition that the companies have usually put up against the demand for free universal transfers. Street cars are commonly required to be run on a certain schedule by the terms of the franchise, and other conditions calculated to insure good service are sometimes imposed.

It is easy to see that, with rates fixed low enough, and stringent enough other conditions imposed upon the franchise-holder, the franchise itself would have no monetary value. If the control exercised over the conduct of an ordinary business by competition is replaced in the case of street monopolies by an equally efficient control by municipal authority, the monopoly value of the franchise is not forthcoming. And, too, when cities are young and public utilities, the need of which is sorely felt, are still in the experimental stage commercially, citizens are inclined to favor making any concessions and granting any privileges that will bring about the desired improvements and bring them quickly. Under such conditions the first franchises in most

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American cities were given away. After a time private promoters began to see that a franchise had monetary value, especially if it was for a long term of years in a growing city, and subject to conditions that would make the utility self-supporting at the start. When common councils got hold of this idea, the era opened in which promoters found it more convenient to pay a part of the value of a franchise to the aldermen as individuals than to pay the whole of it into the city treasury. After the people at large woke up to the fact that franchises granted on desirable conditions are valuable, a third era began to dawn, the era of agitation for the sale of franchises, so that the people as a whole should get some return for the rights which they grant.

There are four ways in which public compensation may be received for a franchise: first, in kind; second, in service; third, in a lump cash payment; fourth, in an annual rental, a tax upon receipts, or a car-license fee. Compensation of the first kind was often exacted even in the early days of franchise grants. A company might be required to furnish water for fire protection or street sprinkling, either free or at reduced rates; or to furnish light for streets and public buildings at minimum prices; or to furnish transportation for policemen; or to install a certain number of free telephones in the public buildings. Another method of compensation extremely common in the case of street railways is the paving of the



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street or a part of it at the expense of the franchise-holder. This requirement has amounted to several millions of dollars in Philadelphia and Baltimore, and even in a city like Grand Rapids, of scarcely 100,000 population, the street-railway company has been assessed for paving within the last dozen years about \$150,000. The difficulty experienced by municipal authorities and the people at large in estimating the value of a franchise has suggested to many the idea that the fetich of the market — competition — should be invoked, and the franchise, subject to conditions imposed by the ordinance, be sold to the highest bidder. The American people have not been at all slow about exploiting the natural resources of their country for the benefit of the present generation and to the prospective impoverishment of the future. Following this same instinct there has been in many quarters a strong movement for the sale of franchises for a lump sum, so that the burdens of the tax-payers of to-day might be lessened by a levy upon the resources of to-morrow. The movement has not, however, attained any alarming proportions as yet in a practical way, as witness the notorious Philadelphia incident where the authorities chose to give franchises to a pet corporation rather than receive for the city the sum of \$2,500,000, offered by a responsible citizen.<sup>1</sup>

<sup>1</sup> See in *Municipal Affairs*, Vol. V, No. 2, pp. 419-426, an article by Clinton Rogers Woodruff on "Recent Legislation in Pennsylvania and Philadelphia."

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And, indeed, much can be said in favor of offering franchises to the highest bidder wherever conditions still render competition in bidding practicable, but compensation should not be given at once in a lump sum, but rather by an annual payment during the life of a franchise. This is the last and most approved method of securing to the city the value of the rights it bestows. As already suggested, prices may be so limited and such conditions of service imposed as to take away all value from a franchise, reserving the benefits of it to the consumers of the utility; but if the city at large is to receive any compensation at all, it ought to be in shape of an annual license tax, a rental, or a percentage of gross receipts. Ideally, of course, the city should receive from year to year all surplus over and above a fair return on the capital actually invested, but such an arrangement takes away the incentive for the franchise-holder to conduct his business economically, without substituting what might well be the equally powerful motive which urges a responsible public official to conduct the city's business with an eye single to the interests of the city.

The possession and use of franchise privileges in the streets, subject to greater or less control by the municipal authorities, has been attended in America by certain great evils. The most destructive of these is the corruption of the public officials of cities and the legislatures of states. It is not always easy to trace the origin of corrupt

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habits. Corruption *grows* under favoring conditions. The seed is everywhere present in human nature, and there are no conditions more favorable to its growth than those which have often existed in our large cities. With the spirit of business prevalent, each man hustling to accumulate money and get on in the world, there has been almost no public conscience, no alert civic intelligence, no realization of municipal unity and duty to the future. Under such conditions men animated by selfish motives have sought special privileges from the cities. With valuable rights to be granted, and with no expectation on the part of the public that the city would receive cash for the grant of a franchise, the beginning of corrupt practices was like putting two and two together. After corruption had once begun, whoever may have started it, both the corporations and the public officials have been guilty of carrying it on for their own advantage, each blaming the other. One of the most discouraging factors in the public life of America to-day is the legislator and the alderman who seek their positions in order to make personal profit by blackmailing. No one knows exactly how numerous such men are, but at certain times and in certain places there is reason to believe that they are numerous. I suppose the most shameful revelation of corrupt franchise-grabbing made in this country was made very recently in St. Louis, where dealing in franchises had come to be recognized as a full-fledged private busi-

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ness.<sup>1</sup> The corruption attendant upon franchise grants has been too flagrant and too well known to need detailed description here.

It should be noted, however, that the out-and-out bribery of aldermen by means of money is by no means the most common form of corruption in these matters. Often election expenses are paid by the corporation, or perhaps its own employees are elected, or free passes on the street cars are given, or business is turned toward the friendly officials. The most effective weapon, however, in the hands of the corporation, is often the power of specious argument advanced by skilful attorneys and based upon facts of which the public is igno-

<sup>1</sup> In St. Louis a combine was formed in each of the houses of the city legislature, and "a scale of prices was fixed upon franchises of all kinds, from a railroad switch or an excavation in the streets to traction and lighting contracts of enormous value." The boodlers took the following oath: —

"I do solemnly swear before the Almighty God that in associating myself, and in becoming a member of this combine, I will vote and act with the combine whenever and wherever I may be so ordered to do ;

"And I further solemnly swear that I will not at any place or time reveal the fact that there is a combine, and that I will not communicate to any person or persons anything that may take place at any meeting of the combine ;

"And I do solemnly agree that, in case I should reveal the fact that any person in this combine has received money, I hereby permit and authorize other members of this combine to take the forfeit of my life in such manner as they may deem proper, and that my throat may be cut, my tongue torn out, and my body cast into the Mississippi River.

"And all of this I do solemnly swear, so help me God."

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rant. The corporation, if it is already occupying a franchise, knows what the facts of the business are, while the people's representatives are in the dark. One of the most lamentable modes of corruption is believed to have been practised in Cleveland during recent years. In Ohio cities a street-railway franchise cannot be granted until the grantee has secured the consent of a majority of the abutting property owners along the proposed route. Not long ago, when a competing franchise was to be granted in Cleveland, it was openly charged that the existing companies bribed property holders to withdraw or withhold their consents to the construction of a new line.

The second great evil in the management of privately owned public utilities in the United States has been inadequacy of service. It is often claimed that in comparison with European cities American towns have much to be thankful for in this regard. But whatever may be the comparative excellence of the service here and abroad, it is certain that in many American cities at many times the service has been poor. The way cars are crowded at the rush hours is outrageous, and should not be tolerated wherever the natural conditions will permit alleviation of the difficulty. In every case where the conditions of the franchise or the negligence of the city authorities permit the company to make a saving at the expense of the public without appreciably diminishing traffic, there is a tendency on the part of the company to

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do so. Private and selfish interests control often to the exasperation and useless annoyance of the patrons of the street cars. In the same way the private ownership of waterworks seems ill suited to a ready vigilance over the purity of the supply. The public often suffers also from impure gas and gas leakage. It is not to be denied that the operation of these services by the city often leaves much to be desired. Nevertheless, inadequate service, wherever it occurs under private ownership, is an evil to be charged up against the management. Such a gross wrong as the supply of impure water for domestic use in a great city is intolerable under conditions where the people themselves are not to blame for it. If a city, owning waterworks, continues to supply itself with deadly drink, that may be considered one of the privileges which it is practically necessary to grant democracy. In other words, murder is worse than suicide.

Another evil of private ownership has been the inadequate compensation of the public for the franchises. Of late years many cities have waked up to find their streets mortgaged, perhaps for all time to come, and their general taxes so high as to be almost unbearable. In the meantime the companies that secured the franchises for next to nothing have been developing their business and nursing the value of their special privileges until in the open market they are worth millions of dollars. It is quite inexcusable that a city should

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be tax-ridden, as many of our cities are, while private corporations are enjoying special privileges in the streets by which they are enabled to mulct the users of public utilities for the realization of exorbitant profits on the capital invested. We need not contend that the city should relieve its general tax rolls by drawing profits from public utilities, but it is clearly an outrage that citizens already groaning under tax burdens should be compelled to pay out-of-date prices for public utility services. The time was when a straight five-cent street-car fare or dollar gas was reasonable, but conditions have so changed, both through the increased density of population and through the cheapening of production, that such prices are in many cities exorbitant and outrageous. The Grand Rapids Railway Company, for example, while complaining that its taxes are high, has stock and bonds whose combined market value is about \$5,000,000, at least \$3,000,000 of which must represent franchise value and the hope of better things to come. It ought to be clear by this time in the history of municipal affairs that a street franchise belongs to the city, and should be granted either on such conditions that it will have no market value or on condition that the city receive dollar for dollar of its market value.

This brings us to the fourth great evil of our present system,—namely, overcapitalization and stock jobbery. Referring to Grand Rapids' experience again, we see the case of a new gas

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company which a few years ago bought out the old company for \$600,000, and immediately issued bonds for double that sum and stock for an even \$1,000,000. It is the same story everywhere. Franchises are capitalized at an enormous value, and the future is mortgaged for perhaps a generation, apparently for the sole purpose of deceiving the public and enriching the promoters by means of stock-juggling. The importance of this evil can hardly be overestimated, for in these days of complex industrial life stocks and bonds furnish the only available means for the investment of the savings of a large proportion of the people who own little. Watering stock is an indirect way of stealing. By means of this process, immense blocks of securities are manufactured "out of whole cloth" for the promoters. These securities are then commonly worked off upon the public, and the franchise values pocketed by the promoters in the form of cash or other securities. As a result of this process the capitalization of public utilities is kept sufficiently large so that the dividend rate does not appear to be unreasonable, and any attempt on the part of the public to resume the franchises, to improve the service, or to reduce prices, is met by the cry of "vested interests." It is shown that widows and orphans have in good faith invested in the stocks and bonds and are receiving only a fair return from their money. Consequently any movement to "squeeze the water" out of the capitalization of public utilities



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is branded as confiscation. The manipulation of stocks and bonds, so that by means of rings within rings a few persons who have made a small percentage of the *bona fide* investment in an enterprise are able to control it for their own benefit, is in the nature of things a crime against civilization, intolerable to a free people, and wholly inconsistent with the industrial health of the community.<sup>1</sup>

For these great evils, which have become apparent to all thoughtful citizens, several remedies in the way of public control have been suggested. It is generally agreed that unless a more effective control can be exercised by cities over the grantees of franchises in the future than has been exercised in the past, the logic of events will force municipal ownership and operation of public utilities. One of the most popular remedies now advocated for the evils hitherto attendant upon franchise grants is the referendum, either optional or obligatory. Those who favor this remedy claim that it would do away at a single stroke with practically all the corruption now attendant upon the business of granting franchises, and would insure a better protection of municipal rights. On the other hand, it is urged that a franchise ordinance is a technical business contract, of which the people at large can have no adequate knowledge and upon which they are incompetent to pass. Without denying all

<sup>1</sup> A terrific arraignment of public service corporation finance is given in the *Atlantic Monthly* for October, 1901, by Mr. R. R. Bowker under the caption, "The Piracy of Public Franchises."

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force to this latter argument, may we not contend that the optional referendum would at least effectually prevent aldermanic collusion with franchise-grabbers, as the chance of a suspicious grant being approved by the people would be slight? If franchises must be granted for a definite term of years, the optional referendum, by which, upon petition of 5 or 10 per cent of the electors within a certain time after its passage, a franchise ordinance would be submitted to popular vote, would seem to be a safeguard of great value. The people can easily inform themselves upon the general principles of a franchise satisfactory to them; and it is the people who should be satisfied in this matter, as their rights in the streets are paramount.

The National Municipal League has advocated, as remedies for the evils here under discussion, the limit of franchise grants to a period not greater than twenty-one years, with provision for the payment of a percentage of gross receipts by the grantee into the city treasury.<sup>1</sup> The League "Program" suggests safeguarding the city's interests in real estate and franchises, by requiring as a condition of their alienation a four-fifths vote of the council with the approval of the mayor. Furthermore, it suggests a policy by which the city could take over the property of the grantee at the expiration of the franchise. Still another safeguard of the greatest importance is advocated,

<sup>1</sup> *A Municipal Program*, published by the Macmillan Company, New York.

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namely, publicity of the accounts of the franchise-operator. Publicity of the accounts of privately owned utilities is one of the conditions most needed to make public control intelligent and adequate, and to render the inauguration of municipal ownership safe. The city is always at a disadvantage in dealing with a public-service corporation whose accounts are private, and, whatever other restrictions may be placed around the grant of franchises, a strict and detailed publicity of accounts is a necessary part of any rational scheme of public control.

Mr. George C. Sikes, of Chicago, has recently laid emphasis, in a clear-cut magazine article, on the claims of the indeterminate or terminable franchise as a means to adequate public control.<sup>1</sup> This is the policy followed by Congress for the city of Washington, and recently incorporated in legislation for Porto Rico and the Philippine Islands. It is also the Massachusetts policy, as I have already stated. Its great advantage is that it does not surrender any portion of the governmental power to private parties, but maintains continuous public control over the streets. This proposition is perfectly simple. It only requires that every franchise should contain a clause reserving to the public authorities the right to amend or repeal the ordinance at any time. Such an ordinance would not impose a hardship upon any

<sup>1</sup> See "The Question of Franchises," in the *Atlantic Monthly*, March, 1903, pp. 408-415.

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person or company, provided that the city would agree to take over the plant at an appraised valuation in case of repeal. The franchise-operator is simply brought under continuous governmental control, and the obnoxious system, by which the city contracts away a part of its governmental authority, is brought to an end. At the same time, where the franchise has any value, the indeterminate grant leaves the door open for a corrupt city council to blackmail the operating company by constantly harassing it and threatening to cancel its privileges.

Another means of control sometimes suggested is the reserved right to regulate rates, or to have the terms of the grant readjusted at the end of a short period. With an alert public sentiment and a high class of public officials, these remedies may be effective to a considerable extent.

Competition as a regulator of public utility service has not yet been abandoned altogether in the people's dreams. It is coming to be generally recognized, however, that in the nature of the case public utilities tend toward monopoly, and that competition is short-lived, wasteful, and in the end burdensome to the consumers who are called upon to pay interest on double capitalization and maintenance of a double plant. Competition in the street-railway business naturally takes the form of parallel lines in different streets, while in the case of gas, electric lighting, and water, it takes the form of parallel pipes and wires in the same

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streets. The latter is, of course, less excusable than the former, but in either case consolidation and monopoly are not long delayed. The theory of competition is, however, sometimes applied with more reason in another way. The franchise ordinance is fixed requiring the performance of certain conditions, and the rendering of service within a certain maximum price, and then offered to the bidder who will pay the largest lump sum or the largest percentage of gross receipts into the city treasury; or the compensation to the city may be fixed, and the franchise sold to the bidder offering the best terms in the matter of rates to consumers. When a new and independent franchise for a whole city is to be granted, there would be little difficulty in securing *bona fide* competition as to terms. But few cities now have important general franchises to grant, and the companies already on the ground have a great advantage in bidding for extensions or in competing with a new company trying to operate a duplicate franchise. But neither this nor any other of the remedies thus far discussed can prove satisfactory without publicity of accounts.

A further suggestion of a policy short of complete municipal ownership is often made. This is that the city should own the street-railway tracks, the electric wires and conduits, and the water and gas pipes, leasing them to private parties for actual use. The city of Bayonne, New Jersey, while not owning the sources of its water supply,

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does own the distributing system. The gas-plant of Philadelphia is owned by the city, and leased to a private company. Toledo owns a distributing system of gas-pipes which has been leased since the failure of the natural gas supply.

In the Philadelphia gas plant, we have complete municipal ownership, something more than is usually meant by the suggestion of the municipal ownership of street-railway tracks. In that case the power-houses, cars, and everything but the fixtures in the street itself would be privately owned. It is urged that a street-railway track is in reality a special form of pavement, and should be a part of the municipally constructed and municipally owned road-bed.<sup>1</sup> So far as theory is applicable to a question of this kind, the point seems well taken, and can be made to cover the case of water and gas mains, and electric light and power wires and conduits, though with somewhat diminished force. This semi-ownership of public utilities would undoubtedly be more easily effective than most or all other methods of control. Carrying this suggestion a little farther, we should have complete municipal ownership under private operation, a system that is advocated with much greater force in the case of street railways than in that of other local utilities. This system will be ap-

<sup>1</sup> This is the view taken by the Massachusetts Special Committee, whose valuable report on street railways has been referred to in a note on p. 61 *ante*.

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plied to the New York subway when it is completed, as it is already in the case of the Boston subway.

We come now to the simple and direct remedy advocated by many thoughtful and many thoughtless men for the evils attendant upon our present franchise system. This remedy is municipal ownership and operation of all local public utilities. All methods of control seem difficult and complex compared with public ownership and operation. Yet alert civic intelligence and rugged official integrity would wonderfully simplify the problems of control, while the absence of these conditions wonderfully complicates the simple remedy of public ownership. The chief arguments in favor of municipal ownership and operation are, first, that the protection of the public interests is impracticable in any other way; and, second, that it is the logical and proper thing for the whole people to operate the monopolies which the conditions of their life create. The arguments against this policy are, first, that the prevalence of the spoils system and the inefficiency of city administration would render the operation of these public utilities more burdensome and corrupting than it is in private hands; and, second, that it is clearly outside the scope of government to engage in such lines of business. The second argument in either case, though in a sense fundamental, must, nevertheless, yield to the first in practical importance.

Let us consider the main argument for municipal

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ownership. Dr. Shaw tells us that in Germany this question is settled in each particular case on its merit as a business proposition pure and simple.<sup>1</sup> While an approach to the German and English attitude toward these problems is eminently desirable, we must remember that, after all, the franchise question transcends for us the mere problems of business expediency, and touches to the quick the processes of democracy upon which the future of our cities and their citizenship depends. American cities have equal manhood suffrage, and though we often hear complaints about the floating vote and the non-taxpaying electors, our system is deeply grounded in the theory that "a man's a man," and his personal right to life and free development is superior to the rights of vested property. Consequently with us the franchise question is *political*, in the true sense of that word. It has to do with the general welfare of citizens, and if a franchise is to be operated by the city itself, it must be conducted on broad general lines, not always consistent with close business policy. Public ownership and operation would retain for the city a system of free streets over which the community as a whole would have unrestricted authority, and which would be devoted to common use without the intervention of special privileges. Public ownership would be a tribute to the co-operative nature of cities. Indeed, city spells coöperation, and even under private management a

<sup>1</sup> *Municipal Government in Continental Europe*, pp. 323-328.



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public utility is only a great coöperative enterprise, rendered necessary by the inevitable conditions of city life. Many believe that this coöperative nature of the city should be recognized directly through the municipalization of public utilities; and their argument has great force. It is a part of the broad democratic argument for municipalization that the extension of the public utility systems would be made promptly to anticipate the demands of citizens and give the city a symmetrical and healthy development. It is believed that, following the example of the United States Post Office Department, cities would try to equalize conditions and make the more profitable parts of a street-railway or gas system support the less profitable. One of the benefits that ought certainly to accrue from municipal ownership would be more stable capitalization. With the necessary publicity of accounts, municipal bonds, issued on account of public utility enterprises, would afford an opportunity for much safer investments on the part of the public than public utility stocks and bonds now do. This is no mean advantage. Finally, cities would be rid of the expensive legal squabbles in which they now have to engage with franchise-holders, and the forms of corruption now well known would be inapplicable to the new conditions. One important practical argument in favor of public ownership is the low rate of interest at which cities can borrow. This would tend to make public ownership more eco-

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nomical than private, though we must not forget that by public ownership the city would lose the privilege of taxing both the property and the franchise.

As against municipal ownership the most telling arguments are made with reference to the status of the civil service. It is said that under a political machine, where positions are given out as rewards for party or personal service, a publicly owned utility, especially a street-car system, would fall a victim to all sorts of inefficiency and extravagance. It is believed that this danger can be averted by the development of the merit system in municipal administration, and, naturally, civil service reform is practically always a coördinate plank in the platform of the municipal ownership advocates. The people of San Francisco, in adopting their new charter a few years ago, declared for the public ownership of all street utilities, and then proceeded to establish the merit system in preparation for future acquisition of them. Just how effective the merit system administered by its enemies could be kept is a matter of grave doubt, but it introduces an important condition in favor of good citizenship. Nothing can ever take the place of an alert public conscience, and the one thing most worth striving for is the organization of government in such a way that the public conscience can make itself felt most directly and effectively. Under private ownership public utilities are a corrupting force in politics, and con-

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versely are corrupted by politics. Tammany Hall has been able at certain times to dictate appointments in the street-railway service of New York City.

It is also objected to municipal ownership that the public would be less enterprising in adopting the latest improvements than a private company is, thus keeping the system out of date and inconveniencing the users of the utility. It may be said in reply that much of the enterprise displayed by private companies in adopting the latest thing before it is fully tested turns up later in the form of overcapitalization to haunt the unlucky user, from whose pocket comes the money for operating expenses, interest charges, and dividends. There is no reason for believing that the city would be less enterprising in matters for the advantage of the public than the private company is.

One danger lies in the undoubted tendency to low rates under municipal ownership. It is not consistent, I believe, with justice and the general welfare that public utilities should be made to contribute to the support of the general government more than the property would fairly yield in taxes if subject to taxation. A greater contribution involves an unjust consumption tax. Public utility services should be furnished approximately at cost. But there is serious danger of a tendency to force rates below cost, so that a public utility will become a burden upon the tax rolls rather than a relief to them. There is, indeed, some argument in favor

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of free water and gas, but under present conditions it is safe, as a general policy, to adopt the rule that every public utility should be self-sustaining. The groans of the direct taxpayers would have in all but a few cities great influence in checking the downward pressure of rates for public utility services, and consequently this evil might be altogether imaginary.

The most serious objection to municipal ownership in the near future, aside from that based on the condition of the civil service, is that the companies have our cities by the throat and can, in many cases, make municipalization appallingly expensive. When Detroit proposed to take over her street-railway system in 1899, the price tentatively agreed upon was about \$17,000,000, more than half of which represented franchise value. The plan failed by reason of a decision of the Michigan Supreme Court holding the act, under the provisions of which Detroit was negotiating the purchase, unconstitutional.<sup>1</sup> There is no easy general answer to this objection to municipalization on the score of expensiveness. Cities whose franchises are soon to expire by definite and unmistakable termination, and cities whose franchises may be resumed at any time, are not seriously affected by it. Other cities can only bide their time, rigidly guarding their interests in future franchise grants, and meantime using all their reserved or implied governmental powers to thwart overcapitalization

<sup>1</sup> *Attorney General vs. Pingree*, 120 Mich. 550.

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plans and regain by taxation and regulation as large a share of the value of the franchises as possible. In every case where a company is known to have secured its rights by bribery or other improper influences, no matter how long ago, a city should not hesitate to use its powers to the utmost to recover for the public the advantages that have been bartered away in the past. Private property rights in the public streets ought not to become sacred by mere lapse of time. The essential rights of a free people are too nearly involved for that.

A correct franchise policy, consistent with democracy, and practicable under existing conditions, would involve the following points:—

1. Insist that every public utility now owned and operated by a city should be conducted on clear-cut principles, and should render an unmistakable public account of itself.

2. Compel all public utility operators dependent upon special privileges in the streets, to make frequent detailed reports of their financial affairs to the city authorities.

3. Secure by legislation, or by constitutional amendment, if necessary, the right to the city to own and operate all public utilities, and to acquire existing utilities by purchase or condemnation proceedings.

4. Tax franchises to the limit of their value and make use of all the legitimate powers of government to prevent and correct overcapitalization.

5. Make all new franchises terminable at any

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time, reserving the right of the city to purchase the plant and general outfit at an appraised valuation.

6. Give the electors the right to control the grant of franchises by direct vote by means of the optional referendum.

7. Adopt the policy that whether under private control or under public management a franchise should be so conditioned as to have no monetary value; that is to say, keep prices down to the cost of service, and destroy by public control the advantages of monopoly.

8. Undertake public ownership and operation whenever, after full discussion, the people of a city deliberately favor that policy.<sup>1</sup>

I have indicated in the preceding chapter that the open street is the most significant symbol of a free city, and that those who control the street control the city. The desideratum of municipal well-being, as far as this great question is concerned, is for the city to regain speedily and forever maintain its governmental control over all its streets. Municipal ownership is, in theory, the simple solution. Yet in practice the whole problem is complicated by the insufficiency of public intelligence and the inertness of the civic conscience. Freedom is the

<sup>1</sup> Probably the most comprehensive and valuable discussion of the problems of municipal ownership and operation of franchises to be found anywhere in American print is contained in *Municipal Affairs*, Vol. VI, No. 4. This issue is filled with the papers and addresses presented at a national convention on Municipal Ownership and Public Franchises held under the auspices of the New York Reform Club Committee on City Affairs, February 25-27, 1903.

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purport of democracy. "A great city is that which has the greatest men and women." Men cannot be made free by ordinance. Municipal ownership will not, in itself, guarantee to the people the free possession of the streets. After the government regains control of the streets, the people must maintain control of the government. The problems of the street, like all other problems of democracy, resolve themselves in the last analysis into the problem of citizenship.

## CHAPTER IV

### CIVIC EDUCATION OR THE DUTY TO THE FUTURE

It may seem a far cry from public utilities to civic education. But we saw, at the close of the last chapter, how the questions of municipal control, ownership, and operation of franchises resolve themselves quickly into questions of human nature under city conditions. Now human nature, though having certain comparatively uniform substrata, is for practical purposes a variable factor. It is clearly changed by conditions of life and by education. In cities human nature comes to the parting of the ways; allowed to drift along the lines of least resistance, it develops intense selfishness, disregard of others' rights, forgetfulness of the future, and those other characteristics of degeneration found in highly civilized society; but, properly trained, human nature in cities develops a wider social consciousness, a heartier spirit of coöperation, a more refined appreciation of the arts of life, a keener sense of responsibility to the future, and all those other characteristics of progress that are the hope of evolution and the justification of social effort. It is the character of civic education that will determine in the long run whether or not democracy can succeed in cities. And so it is fitting



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that after our brief consideration of the problems of the street, which are the fundamental material problems of the city, we should at once pass to the problems of civic education which are the fundamental social problems of the city.

In this chapter, therefore, I wish to discuss the problems of civic education, with the idea constantly in mind that the city's children are the citizens of to-morrow, who, no matter how grave the problems with which we now grapple may be, are likely to have still graver ones to solve.

There are four principal factors in civic education. These are : —

1. The common heritage of civic conditions, civic habits, and civic ideals.
2. The home.
3. The school.
4. The direct participation of the children in civic functions.

It is one of the paradoxes of reform that no absolute social salvation can be brought about unless the children can be reached, while the only possible way to reach the children is through the grown people. So, while we depend ultimately on civic education to give us citizens who will reform our government, we must confess that government as it exists is one of the most powerful factors in the process of education to which we appeal. For example, in this matter of public utilities, which we have just been discussing, there is nothing else that so hinders the education of the civic intelli-

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gence and the civic conscience of the future along these lines as the bad example of continued corruption, extravagance, and selfishness of public officials and the operators of franchises. In New York under Tammany the government has often been a school of false civic ideals, corruption, vice, and crime. The same is true in many cases elsewhere. On the other hand, under a normal city government, and especially under a progressive one, the administration becomes a great factor in the cultivation of better citizenship through the example of order, efficient service, generous purposes, and careful expenditures, and also through active leadership in the campaign for health, cleanliness, civic beauty, and municipal progress. Even more powerful in their influence upon the next generation are the established conditions, habits, and traditions of the various departments of government. The most neglected of all duties has been the duty of the present to the future.

The creation of enormous debts; the encumbering of the streets which are common property, not of the citizens of this generation alone, but of all generations, by the grant of long-term or perpetual franchises; the construction of unsanitary public buildings; the laying of leaky water mains; the pollution of the water-supply with sewage; the formation of the habit of blackmail in the police force or of "grafting" in the city council; the laying of inferior pavements, — all these things, and many more, are a heritage of

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tradition that is handed down in this city or in that from year to year and from decade to decade as a sort of surety entered into by the present, guaranteeing that the future of the city administration shall be weak, inefficient, and corrupt. Fortunately, the influence of good habits and a worthy example is also powerful. Colonel Waring was strong enough to break away from Tammany traditions in the cleaning of New York's streets, and to establish new traditions which have been of untold educational value to his successors. So it is with every wise and honest administrator.

The home is the second great factor in civic education. Under normal conditions it is the universal policy of free governments to leave the establishment and control of the home to private citizens. The home is the free man's citadel. Only in case of a gross abuse of domestic privileges does the government step in to protect or punish its individual citizens. But in great cities the artificial conditions of life have tended to destroy the homes of the poor altogether, by crowding, unsanitary conditions, or immoral surroundings. Many cities have been compelled to take up the housing problem, and go far beyond the ordinary scope of governmental functions to protect themselves. This compulsion has been exerted chiefly by the necessity of the home as an instrument of civic education. It is our theory that babies will be born and their health and morals fairly well cared for in the average family where the physical sur-

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roundings make health and morality possible. But the product of the tenement-house, the sweat-shop, and the slum has proven itself such a dangerous factor in our citizenship, that we have been compelled to take hold of these inferior homes with the strong arm of the law and insist on their betterment.

I have already said something of the history of the tenement-house problem in New York in connection with the discussion of transportation facilities in a preceding chapter.<sup>1</sup> The relation of transportation to housing is one of the things that gives a great city like New York or London its supreme interest in the street-railway system. In a somewhat less degree good housing is dependent upon cheap water and light furnished by the public, and good plumbing and ventilation guaranteed by the civic authorities.

New York has finally found its tenement-house problem so important that the city has established a separate administrative department to inspect tenements and enforce the laws governing their construction and management. New York has condemned and torn down some old tenements that were unfit for human habitation, and has cleared out whole blocks in a number of places for the construction of parks, but no American city has gone so far as to copy the British cities in establishing municipal model tenement-houses. Thus far our cities have for the most part confined their

<sup>1</sup> *Ante*, pp. 35-44.

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official effort, first, to the control of the construction of these buildings to the end that every apartment should be safe from fire, well lighted and ventilated, and fitted up with sufficient plumbing to make it habitable, and second, to the enforcement of certain sanitary rules in the use of tenement-houses.

New York is far in the lead of other American cities so far as official effort to improve housing conditions is concerned. This is because congestion in New York is extreme. In New York over two million people, according to the estimate of the last Tenement House Commission, have so little control over the sanitary and other essential conditions of their home life that they are dependent upon the city for special protection from the ignorance and greed of their landlords and fellow-citizens in the mere matter of housing. In other American cities the proportion of separate homes is much greater, and in many, such as Detroit, Cleveland, and Minneapolis, there is no general housing problem of sufficient importance to demand direct municipal interference. Of course, in every city the authorities often interfere to abate unsanitary conditions when they become a menace to the general health.

The tendency is to postpone action too long. Every city of considerable size ought to pay some attention to housing by controlling public utilities, improving domestic sanitation, and providing open spaces, to the end that the conditions favoring separate homes with abundant room and plenty

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of light and air shall be maintained. This is an altogether necessary function of city government, and is a part of the program of civic education. The home cannot start the young citizens right without this fundamental guarantee. The housing problem, while it has an important sanitary aspect in connection with the protection of adult life from disease, is primarily a problem of guaranteeing homes in which children may be safely born and nurtured. In a broad sense the provision of good homes is as clearly a problem of civic education as is the provision of schoolhouses. In fact the homes are the first schoolhouses of the city's children.

But the main instrument of civic education, the institution to which all American cities look for the training of their future citizens and for the fusing of conflicting race habits and race interests into a common Americanism, is the public school. We must, therefore, consider at some length the nature of this institution and its particular relations to civic life.

It is beginning to be understood in the educational world that all school training must adapt itself to the background of life which the children live, and too slowly we are coming to see the significance of the marvellous change in that background of life which has come over the modern world through the instrumentality of what is called industrial progress. The city has a peculiar educational problem, and the difficulty of this problem increases with the size and age of cities. Probably

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the majority of men and women in the big cities of the United States are still country born or village born. For this reason they are slow to realize the purport of the educational progress of the day. "Were not the old methods good enough for us?" they ask, and forget that their children, born and bred in the midst of city conditions, have a very different and often a very precarious foundation for an education.

Professor John Dewey has described this change of conditions so interestingly that I can do no better than to quote his words. He calls attention to the characteristics of the household and neighborhood system as it existed prior to the industrial revolution of quite recent times. "The entire industrial process," he says, "stood revealed, from the production on the farm of the raw materials, till the finished article was actually put in use. Not only this, but practically every member of the household had his own share in the work. The children, as they gained in strength and capacity, were gradually initiated into the mysteries of the several processes. It was a matter of immediate and personal concern, even to the point of actual participation. We cannot overlook the factors of discipline and of character-building involved in this; training in habits of order and of industry, and in the idea of responsibility, of obligation to do something, to produce something, in the world. . . . Again we cannot overlook the importance for educational purposes of the close and intimate acquaint-

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ance got with nature at first hand, with real things and materials, with the actual processes of their manipulation, and the knowledge of their social necessities and uses. In all this there was continual training of observation, of ingenuity, constructive imagination, of logical thought and of the sense of reality acquired through first-hand contact with actualities. The educative forces of the domestic spinning and weaving, of the saw-mill, the grist-mill, the cooper shop, and the blacksmith forge were continuously operative. No number of object lessons, got up as object lessons for the sake of giving information, can afford even the shadow of a substitute for acquaintance with the plants and animals of the farm and garden, acquired through actual living among them and caring for them. No training of sense-organs in school, introduced for the sake of training, can begin to compete with the alertness and fulness of sense life that comes through daily intimacy and interest in familiar occupations. Verbal memory can be trained in committing tasks, a certain discipline of the reasoning powers can be acquired through lessons in science and mathematics; but, after all, this is somewhat remote and shadowy compared with the training of attention and of judgment that is required in having to do things with a real motive behind and a real outcome ahead."<sup>1</sup>

In other words, the city educator awakes some fine morning to find the foundation of training

<sup>1</sup> *The School and Society*, pp. 23-25.



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missing in his pupils; they have no "vital experience." They are unreal children. They have been nursed in the lap of urban idleness till they are little better than house-pets, — or perhaps they have been cast off from the flywheel of the great, merciless machine of industrial life, and stand bruised, and pinched, and scared in the neglected corners of the community's workshop. In either case they are sorry materials for the school. The city that follows the line of least resistance in its development soon becomes an unfit place for the birth and rearing of children. It is only by a costly and stubborn resistance to the stifling tendencies of city life that children can be made ready for education. The superstructure of modern education can be safely built on the foundations of city child life only by arduous and patient preparation of the substructure. That portion of New York City which is built on Manhattan Island has for the most part a foundation of rock, so that the problem of constructing the enormous modern office buildings is there almost wholly a problem of superstructure. In Chicago, on the other hand, it is only with infinite labor that a safe foundation can be prepared for a skyscraper. Piles must be driven deep into the unresisting soil and elaborate artificial foundations constructed, and even then a fear is sometimes expressed that the towering superstructure will some day collapse by reason of the shifting of its underpinning. Similar is the problem of the education of city children. Yet we

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must not exaggerate. It is true that these extreme conditions exist principally in the largest cities, and are more acute among the rich than among the poor, the very poorest being excepted. The main contention here is that these conditions are the natural outcome of unregulated city growth. The child is a problem that the city cannot safely ignore. The city must find room in its program of production for the process of reproduction.

The conditions of life in cities are reacting upon the school itself. The kindergarten, which, within the past decade or two, has established itself as an integral part of the city school system, though based on a general theory of education, is in effect an effort to supply very young children with that background of experience which is the best foundation of education, and which is often lamentably lacking in city children, and to develop the coöperative spirit which alone can soften the asperities of civilization, usher in the new human nature, and make a nation's cities the crowning glory of its development. Already the conviction is growing that the teacher who receives the children first from their several homes, so widely different in their ideals, their conditions, and their attitudes toward society, and who gives these untrained embryo citizens their first lessons in social coöperation on a large scale and first brings them under the law of the state, should be a teacher with special gifts and extraordinary training. The kindergarten stands for the introduction of child

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life into the fairy-land of nature and human history, for the introduction of this eager, expanding intelligence of the child to an ideal system of social life, a sort of utopian existence which we all believe to be possible on condition that our fellows are willing to join with us in obedience to the higher law. A clean, well-lighted schoolroom, with plants and pictures and materials for work and play, under the guidance of a teacher whose business it is to be always kind and to organize the little society according to the law of love, is a place of delight and freedom, a real heaven to countless children emerging from babyhood, who need, above all things, to be better prepared for citizenship and civic coöperation than their fathers and mothers were before them.

The introduction of manual training into the public schools, which has only just begun, is another and even more marked indication of the reaction of city conditions upon the school itself. In manual training we have a definite, conscious effort to supply in the schools those elements of education which, in country and village, boys and girls ordinarily get in a more or less imperfect way at home and in their neighborhood associations. Girls are taught cooking and sewing, because, in cities, they do not generally learn these things at home. For the same reason boys are taught to drive nails, to carve, to draw, to make things. This kind of work adds zest to the school, gives the children useful power, and supplies that funda-

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mental training in the use of the hand and eye which plays an essential part in the education of men and women. Indeed, manual training aims to do more than replace the lost experiences of country life. It aims to give the children the benefit of skilled instruction, so that they shall be better prepared for the work of the world than if they were self-educated or trained by their parents only. There has been a tendency to introduce manual training in high schools first, on the theory that the well-grown boys and girls should have some practical preparation for adult life upon which they are about to enter. The significance of manual training as a fundamental part of the whole process of education is beginning to be dimly recognized. Of course, if the training of the hand and the participation in useful, productive enterprises form the best basis for the training of the mind, city schools will have to put manual training into all the grades from the first up. It seems reasonable to believe that the time and effort required for this will be more than saved in the keener interest and the quickened intelligence of pupils.

One of the principal functions of the kindergarten is to furnish the children that background of contact with nature which the country child gets in its play and its explorations of its widening world. Manual training goes a step farther, and supplies for city children that discipline in the doing of useful things which forms the link between

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the play-world of childhood and the work-world of manhood and womanhood; and in proportion as this transition is intelligently made, the play-instinct of the child flows forward into the work-manship of the adult and transforms the drudgery of life into willing or even enthusiastic participation in the work of the world. "The world in which most of us live is a world in which every one has a calling and occupation, something to do. Some are managers and others are subordinates. But the great thing for one as for the other is that each shall have had the education which enables him to see within his daily work all there is in it of large and human significance."<sup>1</sup> This certainly cannot be accomplished by introducing the training of the hand as an appendix to the training of the mind. That is a reversal of the laws of education, and can only result in the waste of years of educational effort and the definite dismissal of the play-spirit from the activities of adult life.

The manual training department carries on for the most part only one side of the special work undertaken by the kindergarten. The other side, the training in citizenship, in free social organization, in democracy, is sadly neglected by the average public school. Even so far as the curriculum goes, the public school is inexcusably deficient in matters relating directly to civic life. Civics, like manual training, is not taken up before the upper

<sup>1</sup> Professor John Dewey, *op. cit.*, p. 38.

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grades or the high school is reached. So far as the spirit of the schools is concerned and the practical ideals lived out by them, it is safe to say that the average school is not altogether conducive to the development of self-control and social coöperation. The teacher is a despot, though perhaps a kindly one; discipline is of the military order, though less severe; and the motives to which appeal is made are often the motives of selfish rivalry. The pupil who gives or receives help at a task is a cheat, and the one who communicates with another in school time is an offender. It is not to be expected that an ideal of social democracy will be soon realized in which the spirit of rivalry will be eliminated. But democracy is possible only through coöperation and mutual help, and it seems foolish and dangerous to emphasize that competitive spirit by which one's gain is considered another's loss. The difference between the competitive ideal of success and the democratic ideal has been admirably expressed by Dr. Howerth of Chicago in one of his university extension lectures by a contrast between the desire "to get on in the world" and the desire "to get the world on." There is not the shadow of a doubt that the real success of the race involves the cultivation of the latter ideal rather than the former, and there is no place where the future speaks so forcefully as in the school. The school ought therefore to set before itself, as working ideals, the realization of which will measure its success as an educa-

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tional force, — first, self-government, and second, social coöperation.

The idea of self-government in the schools has been prominently advocated in recent years by Mr. Wilson L. Gill, of the Patriotic League, who sees in the organization of school cities a most effective means for teaching by precept and practice the civic duties for which so few citizens are prepared when they graduate from the school. Mr. Gill would have the pupils of a city school organized on the plan of the city government, with a mayor and council, city courts, a police force, a health officer, and all the other necessary city officials. So organized, the children would establish their own rules and practically take charge of the discipline of the school. This plan has been tried in some schools with success, and has been commended by no less an authority on municipal government than Dr. Albert Shaw, in an article in his own magazine, the *American Monthly Review of Reviews*.<sup>1</sup>

The greatest obstacle in the way of the success of this plan is ignorant teachers. Very few public school teachers are sufficiently intelligent in practical civic organization to be able to inaugurate the self-government system. Perhaps this may be partly due to the fact that most teachers are women and have no voice in political affairs in most of the states. But the main reason is that an imperfect idea of school government prevails, and

<sup>1</sup> In issue for December, 1899.

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for the average teacher it is easier to govern a school than to show the school how to govern itself. Here, as everywhere, the crying need is for better teachers, not necessarily for teachers with more learning or greater preparation, but for teachers more closely in touch with practical life, and with a clearer view of the function of the school in the improvement of human nature and the realization of higher ideals in the activities of the world.

The public school is, in idea, the chief instrument of American democracy. In it the children of different social classes and of many races are brought to a common level and fused into a community of American citizens. It is often stated that the child repeats in his development the various stages of race history. Certain it is that men are not born free, that races and nations attain freedom only after long-continued struggles with themselves. Freedom, the life of democracy, cannot be given out of hand. And so, while self-government is the end toward which education must lead, the teacher should not forget to keep a protectorate over his newly enfranchised pupils. The children must learn by experiment "that self-government brings out the true character of a person ; that it teaches the real meaning of liberty and develops self-control, uprightness, and a sense of honor."

Largely as the result of the changed industrial conditions already referred to, the city school is



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coming to supersede the home in many of the educational functions. Many teachers lament the increasing dependence of the child upon the school, but this is probably a natural and inevitable consequence of the conditions of city life which make the children, in the nature of the case, to a greater and greater extent, wards of the community. The city becomes one great household, in which the general conditions tend to override the particular conditions of individual homes. This is especially true in America on account of the vast population of foreigners found in all large American cities. Foreign-born parents, unaccustomed to American ideas and American institutions, remain to a great extent an alien element in a city's life, until, by a reversal of the natural order, they are led by their children into American ways and instructed by them in American ideals. This work of assimilation falls almost entirely upon the school in the first instance, and in this way its burden and responsibility are doubled. The school, in this case, does not carry on the work already begun by the homes, but rather sets about to overcome home influences and react upon and change the home itself. This fact alone magnifies the public school in the American city until it becomes our chief institution, the mainstay of our national life, the David that must slay the Goliath of ignorance, race prejudice, and social anarchy. It is noticeable that the American-born children of foreign-born parents are the most lawless class in our population.

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Doubtless this is the result of the conditions just described by which these children are largely freed from the conservative influences of their homes, and made the teachers of their parents. It is much more important, therefore, that the school should exert a powerful and altogether good influence over this transition generation. Obligation follows opportunity, and in this case the public school is in duty bound to raise its ideals and step boldly into the field of ethical and civic instruction, — for in a free country ethical ideals are the bone and sinew of citizenship.

The school curriculum should give a more important place to the study of municipal sociology. The city is the great household of which the school is the nursery. An exceedingly interesting "outline for social and historical study" in the Chicago schools has come into my hands.<sup>1</sup> The general aim for both history and civics, as described in this outline, is to help the child realize the outline course of human development from the hunter stage to the complex industrial civilization of to-day, and to see that this country of ours has been developed from a barbaric wilderness to its present condition by dint of hard work and continual struggle, and that we have our part to play in the strenuous life of the nation just as our fathers and mothers had theirs. The method of instruction is suggested by the statement that "human history is man in pro-

<sup>1</sup> The outline referred to was prepared by Mr. H. W. Thurston, of the Chicago Normal School.

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cess of becoming other than he was, man thinking and doing things," and "the child is also a thinker and doer." Special suggestions are made for studies in civics in the several grades. For the first grade certain picturesque figures and incidents of civic life are chosen for study — the lamplighter, the garbage man, the postman, the street-sprinkler, the policeman, the contagious-disease card, the park, and so on. The study of the fire department of Chicago and its history, and of the water department, including the way the water is pumped and distributed, and the history of the water tunnels, the drainage, building regulations, the school playgrounds, baths, and libraries, are among the topics suggested for study in the higher grades. The mere perusal of this tentative outline for study shows one how simple and how fascinating civics, properly taught, would prove, even to young children, and it is only in some such way as this that the school can prepare a generation of citizens who love their city and understand it.

It is clear that from the purely civic standpoint the greatest educational problem is to prepare such conditions of child life that the physical and mental foundations for education may be successfully laid. Many persons who see clearly the painful futility of the efforts made to destroy vice and crime by punishing individuals after they become vicious or criminal are earnest advocates of small parks and children's playgrounds as the most effective check upon the growth of social disorder. The move-

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ment for the establishment of parks and playgrounds for children has made rapid strides in American cities during the last few years. Out of 439 cities, having a population of more than 10,000, there were reported to the *Municipal Year Book*, at the beginning of 1902, as many as 78 that had children's playgrounds, and the movement has been spreading since that time. The distribution of the cities having playgrounds, according to sections of the country, was as follows:—

SECTION	NUMBER OF CITIES WITH 10,000 POPU- LATION NOT HAV- ING PLAYGROUNDS	NUMBER OF CITIES WITH 10,000 POPULA- TION HAVING PLAYGROUNDS
New England . . . .	56	26
New York, New Jersey, and Pennsylvania . .	88	18
Southern States . . .	75	8
North Central States to the Rocky Mountains .	118	24
Mountain and Pacific Coast States . . . .	24	2
Whole United States . .	361	78

This table shows that New England is true to its traditions, and leads in this phase of educational work as well as in other things. The most discouraging feature of the case is that only 10 of the 38 cities having 100,000 population reported playgrounds. The main difficulty lies in the

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fact that abundant artificial provision for children's recreation and physical culture is very expensive in a large city. The need increases at an accelerating rate, and while the laggard taxpayers are putting off improvements till they become more urgent and more expensive, the public coffers are drained more and more deeply for the maintenance of the largely ineffective and often corrupting machinery of the police department. There is absolutely nothing in the general condition of public sentiment or the general status of public works in American cities to give a crumb of comfort to any citizen who is not himself doing his very best to bring about better civic conditions. The playground movement offers encouragement for those who are looking for ways to accomplish something on behalf of the public. It is an opportunity for effective civic effort.

The idea of the municipal playground is to get children off the streets, to direct their play along the most approved physical-culture lines, and to develop their capacities through orderly and animated group activities. The playground is almost an out-of-door gymnasium. It is often, if not generally, situated in the neighborhood of a school building, often upon the school grounds. It is not a ready-made solution for all the problems of city child life, for it necessitates an increased amount of control and direction, which in themselves tend to decrease its popularity and make its success more difficult. Supervision tends to rob play of

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many of its charms, and to diminish the effective discipline of juvenile initiative and enterprise. The out-of-door gymnasium is somewhat artificial, and the apparatus needs constant changing in order not to pall upon the children who have been used to the life of the street and the vacant lot.

The justification of the playground in closely built cities is easy, however. It requires no argument to show that in such cities the public authorities should provide clear spaces in which child life may find expression in the open air without the dangers of the street. This, however, is merely a sanitary problem, one of the functions of city government that must be classed as protective along with the police and fire protection. The justification of the playground in cities where there are plenty of parks and vacant lots is another and perhaps even more important matter for our consideration. One of the conditions of life in cities is the necessity for more detailed social regulation and more extensive coöperation. It is a part of the city's educational problem to prepare the children in all possible ways for urban life. This is more or less artificial, and necessitates a gradual change in human nature. When this change is left to neglected conditions, to the natural stress and strain of an intensifying city civilization, it is likely to show itself along with decreased vitality and to represent degeneration rather than development. It is the function of the municipal playground to extend the influence of the conscious

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educational forces beyond the schoolroom into the very heart of the child's life and help him adapt himself to city conditions without loss of physical vigor or mental stamina. The municipal playground will not run itself. It demands as high a degree of educational power in its control as the schoolroom, and points to an expansion of educational ideals and educational functions that will tend to revivify the Hellenic conception of civilized life. Without something of this sort, civilization, under the tense conditions of modern industrial progress, would become mere race debauchery.

Along with the playground movement goes the establishment of vacation schools. In a city where children are kept out of factory work by law, and where there are no gardens or workshops at home to employ their energies, a three months' vacation in the summer means three months' training in the vices of the street,—idleness, impudence, and destructiveness. Where children can be sent to the country to work on farms during the summer, they are most fortunate, provided only that they are put under suitable control and have suitable associations. These conditions are seldom fulfilled save in the case of children who have relatives living in the country. The great mass of those who would be most benefited by farm life during the summer months cannot be properly placed, and they must fall back, a few of them upon the idleness of the watering places, but the large majority upon the restless, aimless life of the city

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street. For this reason vacation schools are proving to be a necessity in large cities, and happily they are being devoted almost exclusively to kindergarten and manual-training work.

The vacation school opens the door for progress in educational methods. With its greater freedom through its alliance with the playground, it is in a position to become the experimental section of the school system. There is reason to believe with Superintendent Preston W. Search, that every city school ought to be a juvenile agricultural college, surrounded with gardens and playgrounds, where the city child could get in an effective way the responsible contact with nature and the soil which seems to be the natural and necessary thing for all children.<sup>1</sup> School gardens have already been established in connection with some city schools and the planting of shrubbery begun. Without the vacation school all these movements must partially fail, because the summer months are the time for gardening, the care of shrubs, and the exploitation of nature.<sup>2</sup>

The vacation school offers the opportunity for effective instruction in physiology and training in hygiene. School baths have been established in New York and some smaller cities, and are

<sup>1</sup> *An Ideal School*, pp. 74-103.

<sup>2</sup> For a most interesting account of recent experiments in New York City looking toward the larger usefulness of the schools as social centres, see "The City for the Children," by Mr. G. W. Wharton, in *The Outlook* for September 6, 1902.



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proving to be a source of great pleasure to the children and of great benefit to the schools. There are always in many of the schools some children who come from careless or poverty-stricken homes, and who need first of all to be made clean. A bath quickens their wits, gives them self-respect, and reacts favorably upon their home conditions. The city cannot do less for its children than to enforce cleanliness in the school, and the enforcement often consists merely in furnishing the opportunity.

Related to the vacation school and the playground are the swimming pool, the gymnasium, and the athletic field. Boston enjoys the enviable distinction of standing at the forefront of American cities in providing these means for the physical culture of the next generation of citizens. In a recent annual report, the Boston public baths commission calls attention to an interesting aspect of the educational work of the gymnasia. These institutions, the commission says, "accomplish the training of young men who are ambitious to enter the city's service as policemen and firemen. The city gymnasia have been the means of raising by ten or fifteen points the standard for appointment to positions in these departments."

More important than any other single result, and perhaps more important than all other results combined, of the greater freedom in educational

<sup>1</sup> *Annual Report of the Department of Baths for the Year 1900*, p. 5.

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methods involved in the various movements we have referred to, would be the general introduction into the school of instruction in the physiology and hygiene of sex. Ignorance in this direction is the cause of an incalculable amount of misery and vice, while the unfortunate traditional silence of parents only emphasizes the necessity of instruction by the school. Here the school has the greatest of its opportunities to strike at the octopus of vice and physical degeneration, and prepare a body of citizens who will greatly surpass the present generation in physical health and moral self-control. This opportunity is being generally neglected, practically all of the standard text-books on physiology ignoring the existence of the reproductive system in the human organism. The study of biology in high schools furnishes an easy opportunity for introducing this subject into the curriculum. This has been done to my knowledge in Marshalltown, Iowa.<sup>1</sup> The public gymnasias and bathing establishments offer an equally good opportunity, which ought to be generally utilized. Parents' meetings in connection with kindergartens, vacation schools, and other progressive modes of education, also offer the opportunity for bringing the home and the school into closer touch, and for getting a better understanding and more intelligent coöperation between parents and teachers in these most vital parts of the education of children.

<sup>1</sup> This instruction at Marshalltown was introduced by Miss Mary P. Blount, formerly teacher of biology in that city.

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All the agencies of civic education just described — the playground, the bath, the swimming pool, the gymnasium, the athletic field — are proper adjuncts of the public school. It now remains for us to discuss briefly the fourth factor in civic education, which, it must be confessed, has thus far played little part, but which has in it almost infinite possibilities of usefulness. I refer to the organization of children's leagues to participate directly in the functions of city government. Perhaps the most noteworthy experience along this line was that of Colonel Waring in the street-cleaning department of New York City. He organized juvenile street-cleaning leagues and found that the children of the tenements responded with wonderful enthusiasm to his appeal to their civic pride. The "Civic Pledge," which was learned and repeated by each member of these children's organizations, was in these words :—

*" We, who are soon to be citizens of New York, the largest city on the American continent, desire to have her possess a name which is above reproach. And we therefore agree to keep from littering her streets and as far as possible to prevent others from doing the same, in order that our city may be as clean as she is great, and as pure as she is free."*<sup>1</sup>

The American League for Civic Improvement has for some years been carrying on a campaign

<sup>1</sup>See Colonel George E. Waring's *Street Cleaning and its Effects*, p. 183.

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for the beautification of cities through the cleaning up of back yards and vacant lots, and the general planting of shrubbery in neglected places. In the city of Cleveland this work has been carried on principally through the children, who quickly became enthusiastic when they were shown how to join hands with nature in banishing the ugliness incidental to man's careless industry. In Grand Rapids recently a school ground was improved by the children themselves, and the privilege of digging in the dirt proved a great incentive to study when held out as a reward for lessons learned. Springfield, Massachusetts, has a city forester who has had as many as four thousand children organized to help in protecting the trees of the city from insect enemies.

This field of education is capable of indefinite development. The city children who roam the streets or grow up sickly and pallid from confinement indoors might just as well be helping at the municipal housekeeping, and they would prove as useful in this work as country children are in helping about their homes. By this means, too, the city child may be given the vital experience he so much needs, and be trained in coöperation and awakened to civic interests and community pride. The child could easily be made useful as a policeman, a health inspector, a street cleaner and sprinkler, and a city gardener. In a large city the coöperation of the children with the police department, if the latter were in good faith devoted to catching

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criminals and suppressing disorder, would greatly reduce the expense of the department.

Superintendent Search advocates building every city schoolhouse in the midst of a large park or garden, in which the pupils may receive the same advantages of intimate and responsible contact with nature which are open to country children. When confronted with the question of expense, he asks: "Why does the wage-earner toil day after day, and the capitalist store up his money, if it is not to confer wealth upon the children? And what wealth is there that can for a moment be compared with glorious health, and the developing power which comes from a well-trained mind?"<sup>1</sup> These words express the ideal attitude of the city toward its children. It may be that with kindergartens and manual training, with instruction in civics and training in self-government, with regulated playgrounds and active coöperation in the municipal housekeeping, city children will enjoy advantages more than enough to compensate them for their lack of the freedom and spontaneity of country life; but if civic education is neglected, the population of a great city must degenerate physically, mentally, and socially. The realization of freedom through democracy depends upon costly effort, but the end is worth the means, and there is no field of municipal improvement so promising as this — the cultivation of citizens.

<sup>1</sup> *An Ideal School*, p. 103.

## CHAPTER V

### THE CONTROL OF LEISURE

WHILE it is true that civic education is primarily the work of educating citizens for the next generation, there is a sense in which all the people are the city's children. It is one of the extraordinary results of city life that the steadiness of mature life and the placidity of old age play a comparatively unimportant part in urban society. Cities are gay. Pleasure is their watchword. And so it happens that in cities the functions of the government reach out beyond the training of the youth and include to a considerable extent the care of the morals and amusements of adults as well. This work is accomplished primarily through the direct or indirect control of leisure.

The difference between virtue and vice as characteristic of a community, which means the difference between the success and the failure of democracy, lies principally in the use that the people make of their leisure. Work, even under disagreeable conditions, causes few moral wrecks. It is pleasure-seeking run amuck that threatens the integrity of a race or the permanence of free institutions. The changes that are being wrought in modern life emphasize more and more the impor-

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tance of the right use of leisure, for with the shortening of the hours of industry, the minute division of labor, and the transformation of workmen into machine-tenders, the real significance of work in the formation of character and the development of citizenship is becoming less. When men work for themselves, having control of their own plans and activities, exercising judgment, and wrestling with nature or society in the effort to produce some useful commodity or render some useful service, they can better afford to work long hours, for in their work itself they are practising the art of life. Such are the natural citizens of democracy. But when industry becomes so organized and so centrally controlled that most men no longer work for themselves but sell their time to another, often to some huge, incorporeal, distant, controlling power, and become mere cogs in the great and swiftly moving mechanism of a modern factory, or business office, or department store, then the culture of life must be almost altogether undertaken in leisure hours. This is rendered more difficult by the tension of the work hours, which, though short, are likely to unnerve men and unfit them for serious attention to self-improvement at other times. High-pressure work during short hours is a natural preparation for dissipation during long hours of leisure.

The best solvent for this high tension of the work life is a pleasant home with children in it. Anything that goes to make the homes of working-

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men fewer, less attractive, and less fit for children to live in, encourages all forms of vice and militates against citizenship and democracy. The tendency of congested city life is to banish nature and children. Thus the problem of city government is intensified, and licentiousness, gambling, and intemperance, the trio of deadliest foes to the physical, moral, and intellectual life of a people, are encouraged. Some would lay less emphasis on the home and more on cultured associations outside of it, but it seems to me that home responsibilities are an important factor in healthful relaxation from the strain of work.

Herein lies, perhaps, the deepest tragedy of civilization, namely, that cities under the conditions of modern industry tend to be unfit places for the birth and rearing of children, while the leisure of city life, the increased need for recreation, the narrowing down of the opportunities for healthy physical activity, the intimate association of men and women outside the home and the exploitation of the charms of sex, tend to stimulate that passion the satisfaction of which normally results in bringing children into the world. The actual consequence of these conflicting tendencies is about equally disastrous at the two ends of the social ladder. In the slums and among the poor we have swarms of children, pinched and dwarfed by conditions of existence that make home life a sort of nightmare; among the well-to-do we have homes choking with artificial luxury and deprived of the comforts natural to



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child life; while all through the social scale the multitudes of homeless men and women who fall a prey to vice and are dedicated to race degeneration multiply. Between stimulated passion and increased poverty as its upper and nether millstones, civilization grinds many human lives to dust. "Let us eat, drink, and be merry, for tomorrow we die," is in every age the motto of the homeless or childless man who feels no responsibility to the future, a responsibility that is the essence of citizenship.

Some of the conditions leading to immorality are bound up with the housing problem. Thirty years ago Mr. Charles Loring Brace described evil conditions of life in the tenement-houses of New York City. These conditions have since borne an abundant harvest of vice. Said he: "If a female child be born and brought up in a room of one of these tenement-houses, she loses very early the modesty which is the great shield of purity. Personal delicacy becomes almost unknown to her. Living, sleeping, and doing her work in the same apartment with men and boys of various ages, it is well-nigh impossible for her to retain any feminine reserve, and she passes almost unconsciously the line of purity at a very early age."<sup>1</sup>

In 1902, in its report on *The Social Evil*, the Committee of Fifteen, constituted in the fall of 1900 for the purpose of looking into the terrible conditions known to be prevalent in New York

<sup>1</sup> *Op. cit.*, p. 55.

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City, and for the further purpose of reaching some definite conclusion based on the experience of the world as to the right attitude of municipal authorities toward vice, suggested some of the causes that aggravate, under city conditions, the other half of the problem of vice, namely, masculine profligacy. "A great part of the population of a modern city," says the committee, "consists of young men who have drifted thither from the country and small towns, attracted by the greater opportunities of rising in social life and by the greater degree of comfort that the city offers. As a rule, the income that a young man earns, while sufficient to secure a fair degree of comfort for himself, does not suffice for founding a family. As his income increases, his standard of personal comfort rises; accordingly, he postpones marriage until a date in the indefinite future, or abandons expectation of it altogether. His interests centre almost wholly in himself. He is responsible to no one but himself. The pleasures that he may obtain from day to day become the chief end of his life. A popular philosophy of hedonism furnishes him with a theoretical justification for the inclinations that are developed by the circumstances in which he is placed. It is not unnatural, then, that the strongest native impulse of man should find expression in the only way open to it — indulgence in vice.

"At the same time that personal scruples with regard to continency dissolve in the crucible of city life, the main external check upon a man's

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conduct, the opinion of his neighbors, which has such a powerful influence in the country or small town, tends to disappear. In a great city one has no neighbors. No man knows the doings of even his close friends; few men care what the secret life of their friends may be. Thus, with his moral sensibilities blunted, the young man is left free to follow his own inclinations. The greater the city, as a rule, the more pronounced in this respect is its demoralizing influence, and our cities are growing steadily greater, and are in an even greater degree setting the moral tone for the country as a whole. The problem of masculine vice, it will be seen, is an integral part of that infinitely complex problem, the 'Social Question.'"<sup>1</sup>

The prevalence of prostitution growing out of these conditions is one of the serious menaces to democracy and the future of our great cities. Vice, though especially encouraged by metropolitan conditions, is nevertheless the bane of all cities of whatever size. Undoubtedly the peculiarly mixed character of the population aggravates many political evils in our cities; but sexual vice seems to flourish with little reference to this fact, except in so far as evil political conditions react upon and stimulate it. It is a matter of common belief that in every city of any considerable size prostitution flourishes as a more or less "necessary evil," in natural alliance with the law-defying elements of the community. Everywhere the city

<sup>1</sup> *The Social Evil*, pp. 8, 9.

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authorities are brought face to face with the problem of the suppression or control of vice.

Prostitution is a social vice that strikes at the very root of good citizenship, and operates always and everywhere against the realization of democracy. It is a great physical evil, conducive to loathsome diseases which are of a highly contagious nature, and afflict not only those who indulge in vice, but oftentimes unoffending wives and helpless babies also. But the social effects of prostitution are even worse than the physical, for this vice represents a phase of human slavery as degrading and offensive to the spirit of freedom as that form of slavery which has been abolished in America at the cost of rivers of blood. The sale of the use of one's body to another in the sex relationship is so gross an offence against humanity, representing as it does the betrayal of the human race, the degradation and degeneracy of civilization, that no right-minded and clear-seeing citizen of the world can contemplate it without horror.

It is not, however, in a general and theoretical way alone that prostitution is a deadly political evil. Religion and ethics unite in condemning it as a crime, and in this country the better sense of the community instinctively strikes against it as a foe to free institutions. As a result of these conditions, practically everywhere the law brands it, and prescribes repression as the only remedy. Nevertheless, the inherent difficulty in the enforcement of this policy, and the actual condition of

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public sentiment as a whole, have rendered efforts on the part of municipal authorities to eradicate vice spasmodic and uncertain. The practical policy of the twenty principal cities of the United States was investigated a year or two ago by the Chicago Bureau of Statistics.<sup>1</sup> In response to the question, "Are inmates or keepers of houses of ill fame fined at regular intervals?" the authorities of thirteen cities replied, "No"; of one, replied, "Prosecuted wherever found"; of one, "Unmolested except for cause"; of one, "Only when disorderly"; of one, "Only on complaint"; of one, "Only when disorderly, \$20"; of one, "Yes, once a year, according to the amount of business"; of one, "Yes, \$100 per month"; and of one, "Yes, every two months, \$100." In answer to the question, "Are prostitutes confined to certain sections of the city?" the authorities of seven cities said, "No"; of nine, "Yes"; of the remaining four, "As far as practicable," "Partly," "Mostly so," and "As far as possible."

Cincinnati occupies a peculiar position in regard to the problem of vice in this respect, namely, that a policy of the examination and practical licensing of prostitutes has been adopted and publicly proclaimed.<sup>2</sup> This policy has been worked out by

<sup>1</sup> *City of Chicago Statistics*, Vol. I, No. 2, May, 1901.

<sup>2</sup> See *Bulletin of the League of American Municipalities*, November, 1903, pp. 68-77. The article here published is an address on "Municipal Restriction of the Social Evil," delivered by Mayor Julius Fleischmann, of Cincinnati, at the Baltimore Convention of

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the health and police departments, and is frankly admitted to be outside of and contrary to the spirit of the law. It could not be carried out at all without the active coöperation of the police. The plan is to make weekly examinations of all prostitutes, and send those who are diseased to the hospital until cured. When new votaries of vice are found plying their trade, they are sent to the hospital for examination. All women having certificates of health and who submit to the regulations of the municipal authorities are unmolested, whether living in houses of prostitution or in private apartments, so long as there is no open breach of the peace. Every keeper of a house of prostitution has to report to the police the arrival of new inmates and, in case any woman in her establishment is found diseased, the keeper is required to pay the hospital expenses. Music is allowed in the houses until midnight, and no attempt is made to stop liquor selling there, though an effort has been made to collect the liquor tax from the illegal traffic. Of 500 women under the control of the health and police departments, of whom 440 are inmates of resorts, on the average 12 are sent to the hospital every week. This indicates that on the

the League of American Municipalities in October, 1903. Mr. Fleischmann's paper called out considerable discussion at the convention, the delegates from Toledo striking at the root of the error in so-called municipal regulation by suggesting that, in justice, not alone the prostitutes should be examined and given certificates of health, but their patrons also.

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average all the women have to be cured of contagious disease about once every ten months.

The Cincinnati authorities cannot claim any very striking results favorable to this policy, and they frankly admit that to be worked at all the plan has to be carried out in a subterranean fashion in violation of the law. Police authorities generally are not averse to some such plan. By it they have complete control of the disorderly women, who are confessed violators of the law, and so live in terror of the police. This plan, at its best, proclaims the suppression of the social evil impossible, and sanctions the law against prostitution on the ground that it gives the police authorities a weapon by which they can enforce sanitary regulations and prevent robbery and murder, crimes which frequently associate themselves with this vice. This plan is openly proclaimed in Cincinnati. In other cities, doubtless, somewhat similar policies prevail in practice. Everywhere the law is, in a great measure, ignored.

Out of this situation there has grown one of the worst municipal evils of the time. The better sense of the community, realizing that prostitution is in fact a crime against democracy, insists that repression shall be prescribed by law, while controlling public sentiment, yielding to the supposed weaknesses of human nature, confused in its attitude toward personal liberty, and often influenced by greed of gain, demands the so-called "lax enforcement" of the laws against vice. Like the ostrich that

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hides its head in the sand to get out of sight, the American city passes ordinances against vice to prove itself respectable. The practical result of this double-mindedness in public sentiment has been the prevalence of a species of hypocrisy tending to undermine the foundations of municipal honor and transform the police authorities into allies of vice and crime. This state of affairs is well illustrated by the recent experience of Minneapolis. It had been the custom in that city to hale the keepers of disorderly houses into court every month and impose a fine of \$100 each. In St. Paul the fine was levied every two months only. In both cases the fine was in reality a license fee. When the recent notorious Ames administration entered into criminal alliances in every direction to loot the Minneapolis public, the official bandits, coveting the income that the city derived from disorderly houses, raised the cry that a fine of \$100 per month was too much. St. Paul levied once in two months. So the Minneapolis officials arranged that the city should receive the license fee of vice every second month while they levied blackmail for their private gain in the alternate months. The system of *municipal* blackmail by which the city licensed the violation of the law stood ready as an object-lesson to the greedy officials. All that was required was to divert the license fees of crime from the public coffers to private purses.

The corrupt relations of the police with vice in New York, Chicago, and Philadelphia have been



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notorious, while in other cities conditions favorable to police corruption commonly flourish. The evil result of these conditions can hardly be overestimated. Says Mr. William H. Baldwin, Jr., late chairman of the Committee of Fifteen of New York :

“How to prevent personal liberty from degenerating into unbridled license is a problem which is ever present alike in city, town and country ; but it is in the great city that it presents itself in the most difficult form, since the social environment of a city is least favorable to the moral development of the individual. In the attempt to solve this problem, all the organized forces of education, moral, religious, intellectual, on the one hand, are directed towards training the individual to a wiser use of his liberty ; while on the other, certain branches of the city government are charged with the function of restraining the imperfectly developed individual from a misuse of his liberty which may be detrimental to the mass of his fellow-citizens. There is, however, in our great cities a tendency, resulting from many causes, but primarily from the indifference of the educated classes to their civic responsibilities, towards a state of affairs wherein the very governmental agencies which were designed to restrain the individual within proper bounds foster and encourage the evil use of his liberty for the sake of gain. . . . Under the abnormal conditions which are created by the protection of vice by the authorities, the

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great moral, religious and educational forces are almost helpless.”<sup>1</sup>

An evil that strikes with such force at the physical, moral, and political foundations of municipal democracy deserves the frank and earnest consideration of every one interested in civic betterment. If there are special causes in the conditions of city life which conduce to the increase of vice, the city cannot afford to neglect any reasonable means that can be devised for changing these conditions for the better. It is commonly believed that the presence in a community of a large proportion of unmarried young men tends to increase prostitution. That this proportion is greater in large cities than in rural districts has already been suggested. A computation based on the federal census of 1900 shows that of all male residents of New York City, twenty-one years of age and over, 67 per cent are or have been married, while in New York state outside of cities of 50,000 population the percentage is 73.<sup>2</sup> Comparative statistics for several cities and states are shown in the following table:—

<sup>1</sup> See the *North American Review*, Vol. 173, December, 1901, p. 845, for an article on “Publicity as a Means of Social Reform.”

<sup>2</sup> In making these computations I have compared the total number of married men and widowers with the total number of males over twenty-one years old.

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### PROPORTION OF ADULT MALES IN CERTAIN CITIES AND STATES WHO ARE, OR HAVE BEEN, MARRIED

IN THE GREAT CITIES		IN THE STATES OUTSIDE OF CITIES OF 50,000 POPULATION	
	per cent		per cent
New York . . .	67	New York . . . . .	73
Chicago . . . .	67	Illinois . . . . .	72
Philadelphia . . .	67	Pennsylvania . . . .	73
Boston . . . . .	62	Massachusetts . . . .	71
Baltimore . . . .	70	Maryland . . . . .	72
Washington . . . .	64		
St. Louis . . . . .	65	Missouri . . . . .	76
New Orleans . . . .	68	Louisiana . . . . .	78
Cleveland . . . .	71	Ohio . . . . .	75
Cincinnati . . . .	67		
St. Paul . . . . .	58	Minnesota . . . . .	66
Minneapolis . . . .	65		
San Francisco . . .	55	California . . . . .	57

If the same marriage rate prevailed in the cities as in country districts of the same state, New York City would have 60,000 more married men; Philadelphia, 23,000 more; Chicago, 25,000 more; Boston, 16,000 more; St. Louis, 19,000 more; New Orleans, 7,500 more; and Cincinnati, 7,000 more.

It is significant also that the cities where tenement-houses are common show a considerably lower percentage of married men. The New York Tenement House Commission of 1900 found that outside of New York City the four cities most afflicted

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with the tenement-house problem were Boston, Cincinnati, Jersey City, and Hartford. The following table tells the tale:—

PROPORTION OF MARRIED MEN IN TENEMENT-HOUSE CITIES AND OTHER NEAR-BY CITIES COMPARED

IN TENEMENT-HOUSE CITIES		IN OTHER CITIES	
	per cent		per cent
Boston . . . . .	62	Providence . . . . .	68
Hartford . . . . .	62	New Haven . . . . .	68
Jersey City . . . . .	69	Newark . . . . .	72
Cincinnati . . . . .	67	{ Cleveland . . . . .	71
		{ Detroit . . . . .	73
		{ Baltimore . . . . .	70
New York . . . . .	67	Buffalo . . . . .	71

Another significant fact is that many capital cities show a low percentage of married men. Albany has 66 per cent; Columbus, 66 per cent; St. Paul, 58 per cent; Washington, 64 per cent. This is doubtless due, to a considerable extent, to the presence of large numbers of young men in the employ of the government.

Some cities of moderate size, on the other hand, show a large percentage of married men. Grand Rapids, which is a city of homes, shows 78 per cent; Fall River, 74 per cent; New Bedford, 76 per cent; Toledo, 74 per cent.

The 160 cities having a population of upwards

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of 25,000 each show 67 per cent of the males of voting age married or having been married, while for the United States outside of these cities the percentage is 74. This means that if the same proportion of city men married as of country men, there would be in the 160 largest cities of the United States 400,000 more married men than there are. In these same cities there are 7,992,974 persons under the age of twenty-one years, or almost exactly two for every man who is or has been married. Outside of these cities the average number of children for every such man is two and one-half. This means that if families were as large in the cities as they are in the country, there would be about 2,000,000 more children in the cities than there now are, and if both the marriage rate were as high and the size of families as large in the cities as outside, there would be 3,000,000 more children in the cities which now have a combined population of 19,718,312. This is in spite of the well-known fact that the foreign quarters and the slum districts of our cities swarm with children, while many of our rural districts have become sufficiently modernized to show a low birth-rate and a decreasing population.

Statistics are often misleading, unless the facts they represent are explained in detail in the light of varying conditions. Nevertheless, the figures I have presented seem to give strong confirmation to the general observation of two facts, namely, that city men tend to postpone or forego marriage,

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and that children in city families are fewer than in families elsewhere. The bearing of these two facts on the problem of vice in cities as affecting the destiny of democracy is not remote. So far as these facts go to show a check upon reproduction consistent with health and virtue and representing greater care for the future and more rational prudence in the most intimate and vital relations of life, the friend of democracy has reason to rejoice and hope. But unfortunately common observation and facts which have not been reduced to statistical form point to the conclusion that this extra 400,000 unmarried men and this deficiency of 3,000,000 children in our cities do not, in general, prove less indulgence of the desires and passions of men and greater self-control, but rather the perversion of natural tendencies into the channels of vice. The known prevalence of prostitution is one evidence of this. Another proof, not less convincing, is the known prevalence of unnatural practices within the marriage relation, which have for their purpose the limitation of offspring without any curtailment of individual pleasures, and which have for their effect the ruin of the health of many women, the destruction of their capacity for normal motherhood, and the enthronement in their homes of the spirit of near-sighted selfishness that is most inimical to the growth of fellowship and mutual helpfulness upon which the success of democracy in cities more and more depends.

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It is perhaps natural that in cities marriage should be somewhat delayed, on account of the greater expense of living and the larger capital required to found a comfortable home. At any rate, it is both natural and right that the number of children in city homes should be reasonably limited; for under existing conditions, while a child in the country may become practically self-supporting at ten years of age or younger, a city child must ordinarily be an increasing burden upon the family until he is about grown to manhood. The trouble is that the limitation usually is found at the wrong end of the social scale, that is, among the well-to-do. The indoor life of city women, especially of those who do not work with their hands, makes childbirth much more dangerous for them and decreases their chances of healthy motherhood. The congestion of city life and its remoteness from nature, as we have already noticed, are difficulties of prime magnitude in the way of the rearing of children. All along the line the obstacles to healthy reproduction in cities multiply, while the temptations to vice also multiply.

Undoubtedly one of the most powerful temptations to vice of all kinds is the medical advertisements that throng the columns of most daily newspapers, promising to every one immunity from the penalties of sin. If a man is an epicure, dyspepsia tablets will silence his recalcitrant stomach. If a woman is a bond slave in marriage, a medicine is offered that will give her nerve-force

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enough to withstand the effects of excess. If a man has contracted a loathsome disease, he is offered a painless, shameless, and almost priceless remedy. If a woman does not want to bear children, she has only to consult the columns of the newspaper or the druggist's show-window to find a variety of regulators and devices that promise her absolute guarantee against pregnancy, without danger to herself. All or most of these advertisements are published in direct violation of law; yet public sentiment is supine, and practically no effort is made to punish the offenders. The newspapers are financially interested, and vice is strong. Yet here we have thrust before young and old, apparently with public approval, positive, manifold, and continuous assertions that the meaning of civilization, science, and progress is freedom to violate the laws of nature and not suffer for it. This is, I doubt not, a powerful incentive to vice. It is only one manifestation of the poison of luxury which has, since the dawn of history, undermined the life of cities.

The grossly unequal distribution of wealth in great cities brings the irresponsibility of riches in contact with the dependence of poverty. The idea is abroad that a man has a right to self-indulgence if he can and will pay for it in money. This false and undemocratic sentiment is a prolific cause of vice in cities. The economic dependence of woman is emphasized by low wages and high living expenses, and in numberless cases she is



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practically forced to accept a ruthless marriage or a more ruthless harlotry.

Here are the various conditions that give its setting to the fundamental tragedy of civic life, which can be ultimately solved only by virtue of a higher type of human nature, less in bondage to the senses, more self-controlled, far-seeing, and obedient to the true ideals of freedom, and above all, imbued with the spirit of the social ethics that translates wealth and power into duty rather than privilege. Perhaps in individual cases this better type might be developed through moral hardships and resistance to unfavorable conditions. But for people generally salvation depends upon an improved environment. The city must, therefore, be up and doing to so modify the conditions of life within its limits as to encourage virtue and discourage vice.

The conclusions of the Committee of Fifteen are along this line. "The Social Evil," says the committee, "is assuming alarming dimensions. What is needed at this time is a definite policy with regard to it; a policy that shall not attempt the impossible, that shall not be based on the delusive hope of radically altering in a single generation the evil propensities of the human heart, or of repressing vice by mere restrictive legislation, but which, none the less, shall ever recognize as an ultimate end the moral redemption of the human race from this degrading evil, and shall initiate no measure and advise no step not conducive to that

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end ; a policy that shall be practical with respect to the immediate future, and shall at the same time be in harmony with the ideals which are cherished by the best men and women in this community.

“ As an outline of such a policy, we submit the following :—

“ First, strenuous efforts to prevent in the tenement-houses the overcrowding which is the prolific source of sexual immorality. The attempts to provide better housing for the poor, praiseworthy and deserving of recognition as they are, have as yet produced but a feeble impression upon existing conditions, and are but the bare beginnings of a work which should be enlarged and continued with unflagging vigor and devotion. If we wish to abate the social evil, we must attack it at its source.

“ Secondly, the furnishing by public provision or private munificence, of purer and more elevating forms of amusement to supplant the attractions of the low dance-halls, theatres, and other similar places of entertainment that only serve to stimulate sensuality and to debase the taste. The pleasures of the people need to be looked after far more earnestly than has been the case hitherto. If we would banish the kind of amusements that degrade, we must offer to the public in this large cosmopolitan city, where the appetite for pleasure is keen, some sort of suitable alternatives.

“ Thirdly, whatever can be done to improve the material conditions of the wage-earning class, and

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especially of young wage-earning women, will be directly in line with the purpose which is here kept in view. It is a sad and humiliating admission to make, at the opening of the twentieth century, in one of the greatest centres of civilization in the world, that, in numerous instances, it is not passion or corrupt inclination, but the force of actual physical want, that impels young women along the road to ruin." <sup>1</sup>

"What, then, is to be the status of prostitution in the city of New York? In the first place, it must be driven out of tenement and apartment houses; the evil must be rigidly excluded from the homes of the poor. Secondly, it must not be segregated in separate quarters of the city, for the reason that such quarters tend to become nests of crime and veritable plague spots, and for the further reason that segregation does not segregate just as it has been shown that regulation does not regulate. Thirdly, all public, obtrusive manifestations of prostitution shall be sternly suppressed." <sup>2</sup>

"The better housing for the poor, purer forms of amusement, the raising of the conditions of labor, especially of female labor, better moral education, minors more and more withdrawn from the clutches of vice by means of reformatories, the spread of contagion checked by more adequate hospital accommodations, the evil itself unceasingly condemned by public opinion as a sin against

<sup>1</sup> *The Social Evil*, pp. 172-174.

<sup>2</sup> *Ibid.*, pp. 178, 179.

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morality, and punished as a crime with stringent penalties whenever it takes the form of a public nuisance,—these are the methods of dealing with it upon which members of the committee have united and from which they hope for the abatement of some of the worst of its consequences at present, and for the slow and gradual restriction of its scope in the future.”<sup>1</sup>

The committee, in its studies and its recommendations, did not touch upon vice within the marriage relation. This may have been due to acquiescence in the world-wide notion that the ethics of marriage, if there be any such, is a purely individual affair, not amenable to legal regulations, and almost outside the pale of moral suasion and social education. The frequency of divorce in recent years and the community's recognized interest in all the children prove this notion to be erroneous, and it needs very little acumen to see that prostitution is encouraged and the struggle against it rendered nerveless by the spread of the peculiarly human and civilized idea of marriage, according to which physical love is divorced from its normal consequence, reproduction. So far, then, as the remedy for prostitution lies in education, it will be necessary to attack the evil frankly at its root and struggle for an indefinitely higher and more social ideal of marriage than the common one. And so far as the remedy for prostitution consists in repressive measures, the public

<sup>1</sup> *The Social Evil*, p. 180.

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authorities must not grant any indulgence to the shameless advertisements of the vices of marriage.

Gambling in its various forms is a vice hardly less destructive to citizenship and fraught with danger to the future of great cities than the social evil. Gambling, whether carried on in a saloon, at a church, at a fair, in a gambling-house, in a bucket-shop, at a race, a foot-ball game, or an election, or in the columns of a newspaper, arises from the excitation of the play spirit coupled with the fundamental dishonesty involved in the desire to get something for nothing, to get control of the fruits of other men's labor, or to monopolize opportunities without performing any service in return. Gambling always results in a net loss to the community. It produces nothing, while the time and energy devoted to it are a clear waste. It represents the competitive spirit so far degenerated as to make the coöperation and fellowship essential to municipal democracy impossible. The "gambling hell," so called, is the legitimate, though disinherited, offspring of the church raffle, the social game of chance, the election bet, and speculation in stocks. The gambling spirit is rampant in American cities at the present time, and constitutes a formidable menace to good government. Repression as a sole remedy is a failure in respect to this as in respect to other vices. The real remedy must include a far-reaching program of education and civic betterment.

This truth is apparent upon consideration of the

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principal causes that work together to make gambling a peculiarly city vice. In the first place city people have more leisure for play than country folks, while the opportunity for out-of-door sports is less. The result is that parlor games furnish a very large proportion of city recreation. The prevalence of cards and other games in which chance is an important factor is well known. These games are excellent time killers. They are ready-to-hand devices for spurring on the lagging hours. They are a cheap means of entertainment. The anxious host is relieved of "the intolerable toil of thought" necessitated by personal hospitality and real social intercourse. In these games people gamble for pleasure. The psychological effect is far-reaching, especially with the young. Games of chance, even when honestly played, develop two habits of mind, both of which run counter to the demands of democracy. The first of these habits is that of depending upon luck for success. To draw "a good hand" from the shuffle in the parlor games teaches a boy that success in life depends on his getting an unusual opportunity or an exceptional position in the industrial struggle. In other words "luck" and "pull" rather than "industry" and "merit" come to be the watchwords of success. So much may be said for the chance element in these games. So far as they are games of skill, they develop a habit of mind which prepares a man to keep his own counsel and quickly and ruthlessly take advantage of any negligence

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or mistake on the part of his opponent. That is to say, the mental skill and acuteness developed by these games is competitive in the strict sense. It is not skill in producing things or performing service, but in taking advantage of one's neighbors and reaping where one has not sown. These habits of mind are out of date in a modern city. From an evolutionary standpoint they represent surviving characteristics of past cycles and are directly responsible for the gilded failures that strew the path of human civilization in its slow and painful progress toward the type of human nature which democracy assumes in part and in part creates.

Another and perhaps more important cause for the prevalence of the gambling spirit in cities is the transformation in the industrial system by which the upper classes of city men have been removed from contact with the tangible processes of production, and by which most city men have been largely relieved of direct responsibility for the usefulness of their labor. The industrial process has become so complex that one can hardly tell whether he is a producer or a parasite. This confusion removes the moral check from the competitive process, and the man who does not work with his hands is prone to measure his success *solely by the amount of his income*. He is not sure but that he may be performing a social service even when he appears to be getting something for nothing. Along with this uncertainty and moral trusting-to-

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luck has gone concentration of the control of capital, so that the city man who saves money must generally intrust its investment to some other person or corporation over whom he has only a feeble control. The ownership of capital is in this way largely divorced from responsibility for its use. The farmer living on his own land can invest his savings almost without limit in the improvement of his farm, either by adding to his own comforts and luxuries or by making his land more productive. The city man when he has once provided himself with a comfortable home must generally put his surplus money in a bank or invest it in stocks or bonds. Here the great gamblers get in their work. The mass of stocks and many of the bonds put upon the general market are subject in a greater or less degree to speculative fluctuations. The promise of large profits induces the public to invest, and the uncertainty of all business over which one has no direct control makes investors take chances. A gain incites the desire for further gain. A loss increases the need to make abnormal gains in the future. Thus speculation multiplies in cities because the city man is largely cut off from responsibility for the usefulness of his own work and the right employment of the capital accumulated by saving.

These results follow when games of chance are played without cheating and speculation carried on without fraud. When cheating and fraud enter in, as they often do, the evil results are greater.



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District Attorney Jerome, of New York, in his raids upon well-known gambling-houses of that city, seems to have established the fact that "honest" gambling does not exist to any considerable extent. Honest gambling, like honor among thieves, has a precarious foundation. There is a fatal discrepancy in the idea, *for to win, either by chance or by skill, the earnings of another is fundamentally dishonest.* As a practical problem in municipal government, the suppression of gambling is beset by difficulties similar to those in the case of prostitution. A repressive legal policy is insisted upon by the better sense of the community which recognizes gambling as incompatible with good citizenship, while public sentiment is not consistently favorable to a strict enforcement of the law. These conditions lead to hypocrisy and police corruption similar to that already described in the discussion of the social evil.

The laws and ordinances in regard to these two vices ought to be so changed as to become reasonably enforceable. The public manifestation of these vices ought to be rigidly repressed as a crime, while their private practice should be discouraged by educational means, but not interfered with by the police except on the initiative of those directly concerned. The most important work of the municipality in the discouragement of prostitution and gambling will be done in making provision for healthy out-of-door recreation and in cultivating civic spirit by means of better education,

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more attention to municipal art, and more extensive rendering of common services. The expansion of municipal functions to include the ownership of all public utilities, as well as the indefinite improvement of municipal facilities for education, health, and pleasure, would furnish the citizen the opportunity for safely investing his surplus earnings in the taxes and bonds of the great coöperative institution whose accounts are all public and for whose policies all the citizens are responsible. This policy would strike at the root of the gambling evil by exploiting the spirit of coöperation and by bringing the citizens back to direct responsibility for the use of their invested capital.

Intemperance, the close ally of the other vices under discussion, completes the trio of vultures that are ceaselessly preying upon the vitals of municipal democracy. There is no defence for drunkenness, and in so far as the saloon breeds or tolerates this vice, it is a positive menace to social order, an institution that defies law, creates anarchy, and destroys reason. This fact makes the American public always regard the saloon with suspicion. It is looked upon by a strong element in the community as a natural outlaw to be destroyed wherever possible, and rigidly controlled elsewhere. This attitude of the public mind has undoubtedly reacted upon the business itself, and made it less respectable and more prone to consider itself the enemy of law and order, privileged to evade or break through all rules and regulations, depend-

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ing upon unscrupulous alliances for immunity from punishment. The saloon is one of the most powerful institutions in the American city, and, practically everywhere, is more or less mixed up with city politics, so that one of the most vexing problems of municipal government in this country is the control of the saloon business.

The strength of the saloon depends, primarily, of course, upon the popular demand for intoxicating liquors. But there are many other contributory elements of strength that are often extremely embarrassing to the temperance reformer. The saloon performs an immense service as a social centre. This is especially true in crowded cities where the homes of the working people are unattractive, and where the proportion of unmarried men is great. The more leisure a man has whose family is living in a New York tenement, the worse off he is, unless he is so exceptional a man as to care to spend his time in crowded reading rooms where the atmosphere is often hot and vile. The disadvantage of leisure arises from the fact that the man is in the way at home, and there is nothing for him to do except to help keep house. It is very natural that the corner saloon, which is kept bright and cheerful, with music oftentimes, and always furnishing a place for meeting with their fellows, equipped with comfortable seats, facilities for games, and toilet conveniences, should attract men and command their leisure. The saloon is often called "the poor man's club." This service

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which the saloon performs as a neighborhood centre for comfortable intercourse is undoubtedly one chief source of its strength, and will enable it to withstand the attacks of its enemies until some other means are devised to take its place.<sup>1</sup>

A second source of strength is in the fact that every saloon is a public station where a man or boy may have toilet conveniences at all hours of the day and evening. To the shame of American cities it must be said that they have almost everywhere left the provision for the common decencies and conveniences of life to private enterprise, and the saloon has not been slow to take advantage of this omission. Toilet conveniences more or less free to the public are provided in depots, hotels, department stores, office buildings, etc., but the saloon is the well-nigh omnipresent convenience station where public use is encouraged. So the policeman can threaten a seven-year-old boy with arrest because of indecent exposure on the streets of New York, when there are a dozen saloons within a block where the child might have gone to relieve his necessity. The policeman himself, whose duty it is to enforce the law, is forbidden to enter a saloon during his hours of service except on official business, and yet necessity often compels him to break this rule. The same is true of other public employees, such as the uniformed

<sup>1</sup> For an extensive discussion of the "Saloon as a Social Centre," see *Substitutes for the Saloon*, Chapter I, by Raymond Calkins, an expert employed by the Committee of Fifty.

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street-cleaners and letter-carriers. Boston and New York have made partial provision for the public convenience in the down-town districts. San Francisco has a well-equipped public comfort station, and Grand Rapids has appropriated funds for the construction of one in the near future. But almost everywhere no such conveniences outside of the parks and the city buildings are furnished by the municipal authorities. The performance of this simple municipal function gives to the saloon a certain dignity and the strength that always comes from usefulness.

The saloon also performs service as a place of slaking legitimate thirst. Many American cities are supplied with water which does not command the confidence of the people. New York, to be sure, is provided with exceptionally pure water from the mountains. But Chicago takes its water from Lake Michigan into which, until recently, its sewage has been discharged. The result is that in Chicago, even yet, beer is sometimes considered a safer beverage than city water. The same is true of many cities whose water-supply is taken from rivers which are polluted with sewage. Even if water is not dangerously polluted, the average man prefers not to drink or bathe in mud, and many city water-supplies become unpopular, because at times of high water, or perhaps at all times, they are roily. It is certainly not conducive to full confidence in the waters of the Potomac for drinking purposes to have the experience of a

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mud bath in a Washington bath-tub. Everywhere that the water-supply is not pure and clean, this very fact strengthens the saloon, and puts many citizens under obligation to it who might otherwise never cross its threshold. This result may be reached even where the water-supply is good, simply by the failure of the city to establish a sufficient number of public drinking fountains. Indeed, it seems true that the most appropriate and effective first step of civic authorities in the direction of temperance would be to provide an abundant supply of pure and attractive water, with numerous drinking fountains, so that the thirsty citizen or stranger can satisfy his need at any time of day or night in any part of the city.

In these several ways the real service now performed by the saloon takes the edge off the opposition manifested by those citizens who are the natural enemies of intemperance. But the saloon receives shelter from the public wrath and is protected in its resistance to the law by reason of other complicating conditions. One of the most serious of these is the admixture in the same community of large bodies of citizens of different race and different social habits. This is the peculiar problem of the American city, and it is in this respect without doubt that the presence of foreigners is most embarrassing to our city government. The conflict between the "American Sabbath" and the "Continental Sunday" rages about the saloon, especially in New York City. By

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state law in New York all saloons are required to be closed between midnight Saturday and five o'clock Monday morning, as well as between one o'clock and five o'clock in the morning throughout the week. Sunday closing is extremely offensive to a large part of the German population of the great cities, because Sunday is the day for respectable beer drinking in the pleasure gardens of the Fatherland. To shut up drinking places on Sunday seems to these adopted citizens of America a gross violation of personal liberty, and entirely contrary to the expectations of refugees in a free country. It is useless to enlarge upon these well-known conditions of conflicting public sentiment in most of our principal cities. Milwaukee, St. Louis, San Francisco, and some other cities apparently do not attempt to compel Sunday closing, and thus they avoid the difficulty by yielding to the European standard.<sup>1</sup>

The idea of Sunday closing originates in hostility to the saloon as an institution. The American people do not believe that men should spend their leisure, especially their rest days, in the saloon; they think of it as a natural centre of dissipation, disorder, and vice. Undoubtedly this view, coupled with a policy of regulation by license fee and police surveillance, gives the saloon question its disturbing importance among our municipal problems.

Out of the conflicting tendencies of public opin-

<sup>1</sup> *City of Chicago Statistics*, Vol. I, No. 2, May, 1901.

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ion in this matter have grown some of our worst political evils. The saloon is put upon the defensive, and all too often driven to ally itself with vice and crime and protect itself by bribery of public officials. The horrors of police corruption are largely attributable to this state of affairs, for prostitution and gambling would find it much more difficult to protect themselves if it were not for their alliance with the saloon business, which is backed up by immense vested interests and considerable popular sympathy. The disorderly house, the gambling-den, and the saloon have all sought immunity from punishment for violation of law. One crime naturally leads to another, and the corruption of public officials follows close upon the heels of the violation of law by powerful interests. It is the same story that has been so often told of the franchise-grabbers. At first they corrupt the aldermen and the legislators, and then these latter begin to prey upon them. The result is criminal collusion between the chosen representatives of the people and the powers that prey upon the people. And it is in this weakness of the representative system as we have it in America that our danger lies. With gold holding altogether too high a place in popular estimation, many elected representatives, even though with good intentions at first, yield to the pressure that is focussed upon them. This condition points to the necessity of strengthening our system of government by making it more demo-



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cratic and keeping public affairs more closely under popular control.

The problem of prostitution, gambling, and intemperance is essentially a problem of the control of leisure. A policy of repression alone will inevitably fail. Education of the hand, the cultivation of better social ideals, the improvement of the conditions of home life, the provision of public opportunities for healthful recreation, a pure water-supply, and, above all, the development of the coöperative spirit and the awakening of the civic conscience, are remedies that the American city cannot neglect if it hopes to save itself and democracy from a repetition of the failures of history. Vice is the chief enemy of democracy. Leisure is the opportunity of vice, as well as of culture and civic coöperation.

To speak of the "control of leisure" may appear to many suggestive of tyranny and out of harmony with the theory of democracy, — for does not democracy mean the guarantee to the individual of the right to control his own leisure as he sees fit? Here is the crux of the problem of vice. Here lies the struggle between the two ideas of freedom which, in their extremes, are interpreted as license and duty respectively. Democracy, as conceived in this book, lays emphasis on the latter. Freedom, to us, is the condition in which a man finds himself when he obeys the fundamental laws of life. Vice means anarchy or a jumble of petty despotisms. Drunkenness, gambling, and prosti-

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tution have no standing in court because they are in themselves incompatible with freedom and self-control, and it is a part of the doctrine of democracy that no man has the right to sell himself into bondage. To say that he is free to enslave himself would be a contradiction in terms. All repressive measures applied by the state or the municipality to personal habits, not involving direct and tangible injury to others, rest on this theory of freedom. While it is true, as has been pointed out, that a repressive policy alone applied to vice is doomed to failure, still we must not go to the other extreme. There is ample theoretical justification for the suppression of vice, but experience has shown that public authorities cannot successfully regulate personal conduct except within certain rather narrow limitations. Unquestionably the police can clear the bill-boards of the flaming representations of crime and indecency. Surely men who are found drunk in public places can be locked up. Gambling-houses, publicly known, can be closed. Criminal advertisements can be kept out of the newspapers. Public disorder can be sternly repressed, and vice punished when it involves the injury of innocent persons against their will, provided they stand ready to invoke public protection. Statutes attaching human penalties to violations of natural laws are not inconsistent with democracy. The inconsistency lies in that class of puritanic legislation which attempts to regulate men's conduct in accordance with some

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particular religious tenet or philosophical dogma which the people themselves do not support with practical unanimity.

As life becomes more complex through the growth of cities and the coördination of work and intellectual activity, the legitimate sphere of social control is extended. Under democracy, this control of the individual, if supported in good faith by public opinion, is not a tyranny, but social self-control. The government is not an entity set off against the people with power to oppress them, but rather the organized expression of the popular will. Laws are self-imposed rules of life. From this point of view restrictive measures in regard to vice are not only permissible but essential to democracy. While advocating a change in the laws where experience and common sense show them to be generally unenforceable, I do not acknowledge the right of vice to exist and prey upon society. I merely advocate the use of other and more effective weapons of warfare upon the enemies of democracy than are found in laws not supported by public opinion, and above all the calling-off of the mock battle that is the outgrowth of municipal hypocrisy and the cause of the carnival of police corruption and political blackmail which has brought disgrace upon democracy in the great American cities.

The first and most essential part of the positive municipal program for the discouragement of vice and the direction of the uses of the people's

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leisure into channels consistent with and conducive to the welfare of democracy is the establishment of public parks, commons, playgrounds, athletic fields, breathing-spaces, recreation piers, etc., where the people of a city may come in contact with nature and enjoy sunshine and fresh air under conditions favorable to physical and moral health. Crimes are not usually planned in the open air, and vice generally avoids the sunlight. There is probably no more striking illustration in the world of the peculiar function of the city park as an antidote to vice and crime than Mulberry Bend Park in New York City. Where this little park now nestles in the heart of the metropolis, thronged on a summer day, especially on an evening or a Sunday, with weary tenement dwellers glad to escape from their dismal homes, there was formerly a block of buildings notorious as a haunt of vice and a harbor of crime. One of New York's hell holes has been transformed into one of her beauty-spots by the letting-in of the sunshine. A visit to the recreation piers of New York, or to the Central Park, or to any of the accessible municipal parks of America on a summer evening or Sunday afternoon is enough to convince any thoughtful citizen of the prime necessity of municipal provision of opportunities for recreation in the open air during leisure hours.

American cities have taken a good deal of pride in the development of parks, but in many cases civic effort has been poured out upon one or two

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large parks, too far from the heart of the city to be easily accessible except on Sundays and holidays.<sup>1</sup> The great cities, especially, are much in need of more small parks and breathing-places. The total area of public parks in the 38 cities having a population of more than 100,000 each by the census of 1900 is reported by the United States Department of Labor as about 51,000 acres, which amounts to one twenty-third part of the land area of these cities, or about one acre of parks to every 275 inhabitants. In New York City as a whole there is one acre of park to every 500 inhabitants, but on Manhattan Island there is hardly one acre to 1300 people. The parks of New York City represent one thirty-first part of its land area, and yet if the park area were as densely populated as some considerable sections of Manhattan Island, the whole population of the city could be accommodated on the land now devoted to parks. This goes to show, not the great extent of the parks, but the extraordinary congestion of population in some parts of the city and the consequent extraordinary need for more breathing-places in these quarters. Old New York averages over twenty persons and nearly five families to the dwelling.

<sup>1</sup> "Chicago has a system of parks of which it may be justly proud, but from the point of view of resorts for laboring people, Chicago has no parks. The parks are so distant from the homes of the masses as to be practically inaccessible. The park system is designed for the rich, while it taxes the poor, and reminds one that 'to him that hath shall be given.'" — Raymond Calkins in *Substitutes for the Saloon*, p. 196.

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The need is not so pressing in the smaller cities, but the tendency is to neglect to reserve space for parks near the centre of cities, with the result that when the need is felt the land has become so valuable as to deter the public authorities from purchasing it. Little Mulberry Bend Park cost New York City about \$1,500,000.

The street-railway park plays an important rôle in the pleasure seeking of many American cities. This is quite a different institution from the municipal park. It seeks to attract the people by means of theatrical shows, dances, boat-rides, and nondescript performances after the Coney Island pattern. The street-railway park has for its purpose the encouragement of travel, and is often located beyond the city limits and consequently outside the control of the municipal police. The difference between a city park developed at public expense as a popular recreation ground and a street-railway resort is well illustrated in Grand Rapids by John Ball Park and "Reed's Lake." John Ball Park is a beautiful piece of wooded hill land at the western extremity of the city. The front of this park has been fitted up by the municipal authorities with a simple pavilion where a band furnishes music on Sunday afternoons, with greenhouses and flower gardens, small ponds and streams of running water, beautiful lawns and walks, and cages for the animals, while the greater part of the land lying upon the hills remains nearly in its natural condition and is admirably adapted to picnicking

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and rambling. "Reed's Lake," at the other extremity of the city and just outside its limits, is fitted up with an open theatre where vaudeville performances are kept up throughout the summer, and the "cave of the winds," the "house of trouble," and other "midway" institutions appeal to the pleasure seekers. Some of the vaudeville is demoralizing and most of it is cheap. The whole tone of the place is suggestive of greed catering to folly. The street railway does not get the people away from the artificial life of the city or from the influence of mercenary motives. "Reed's Lake" is more animated and less satisfying than John Ball Park. It is nearer to vice. The same comparison lies between these two as between Coney Island and Central Park in New York.<sup>1</sup>

<sup>1</sup> "Most cities have adjacent picnic grounds and suburban resorts, and excursions and picnics are a great resource as a means of outdoor amusement for the people, but too often these places are left in the hands of persons who destroy their usefulness. The municipality should take this matter in hand and see to it that the park commission owns or controls the resorts of the city's people. A striking comparison existed between Revere Beach, north of Boston, which some time ago became a public reservation under the charge of the Metropolitan Park Commission, and Nantasket Beach, on the south side of Boston, which until recently was under private control. At the former order reigned, and the vices were partly banished, partly repressed. At the latter the vices were obvious and uncontrolled. Now, by the order of state legislation, Nantasket Beach is public domain. Merely from the landscape point of view, it is the finer of the two, and it will, no doubt, soon become the beneficent place which the other has long been. The Revere Beach Reservation, with its beach, shelters, band concerts, merry-go-rounds, and restaurants, attracts large numbers.

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The indifferent or partly vicious tendencies of these popular resorts not under municipal control suggest educational possibilities of a high order to be realized from municipal bathing beaches, swimming-pools, theatres, and concert halls. The park in its natural beauty furnishes a welcome opportunity for relaxation. But there is a widespread demand for more active recreation, and by satisfying it the city can effect the control of the people's leisure for noble ends, rather than let them drift into folly and vice at the invitation of private greed.

Public baths are being established in many American cities, some for summer bathing only, in rivers, lakes, or ocean, and some in substantial buildings for use the year around. Bathing in river or pond is one of the best sports of young men and boys in the country. As cities grow up, ordinances are passed forbidding nude bathing within the city limits, and sewage and refuse are discharged into the natural bathing waters, so that they become unfit for use even where public decency would not be offended. It is no more than right that a city, under these conditions, should establish bathing beaches, bath-houses, and swimming-pools to take the place of nature's provisions.

These average twelve thousand or fifteen thousand on week days, and five or six times as many on fair Sundays. A corps of over a dozen park commission police efficiently manages this crowd. Only thirty-three arrests were made in 1897." — Raymond Calkins, *op. cit.*, pp. 200, 201.



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The need of public bath-houses in all cities of any considerable size is apparent. A careful estimate made in 1902 showed that in Grand Rapids only about 20 per cent of the residences had bath rooms fitted up with bath-tubs and water connections, and in the slum districts of New York, Baltimore, and Chicago, the Department of Labor found only 2 or 3 per cent of the houses with baths in 1894. But even if every house had a bath room, there would still remain the need of public swimming-pools for recreation. Boston's indoor bath-houses furnish 600,000 baths a year, while the municipal bathing beaches receive upwards of 2,000,000 visits during the summer months. This makes an average of about five baths a year under municipal auspices for every person living in the city. No other large American city is so well furnished with public baths, but New York, Albany, Buffalo, Baltimore, Louisville, Chicago, and Milwaukee all have all-the-year-round establishments, while many others provide for summer bathing. Under proper regulations the public bath may become one of the most effective of municipal enterprises for the control of leisure, the improvement of the public health, and the increase of manliness and self-respect among boys and young men. Bathing at such a resort as Coney Island, uncontrolled by municipal authority, and closely allied with influences tending to vice and irresponsibility, is very different in its social effects from bathing at a well-regulated municipal establishment. Herein lies

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the principal necessity for public control of the bathing beaches in the neighborhood of great cities.

The public-school bath is being established in some American cities. During the year preceding November 10, 1902, Public School Number 1, Borough of Manhattan, New York City, had furnished about 14,000 individual baths to the school children. Springfield, Massachusetts, also has established some school baths, which are eagerly sought by the children. In Springfield women are admitted on Saturdays, and both women and children during the summer months. The school bath proper is a sanitary and educational institution, but may be made a nucleus of public interest in the schoolhouse and help the development of the school as a social centre. The school equipped with playgrounds and baths, open throughout the summer vacation, would be in a position to do great service to the city in controlling the leisure of the children, who are likely to learn lessons of lawlessness and vice if turned loose on the streets through the months when school is not in session.

The municipal theatre is practically unknown in the United States. The nearest approach to it is the street-railway pavilions such as I have mentioned, and which might easily come under municipal control with the public ownership of the street railways, and the open-air concerts often furnished by cities in the parks during the summer time. One of the greatest needs of the American city

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is better theatres. In the popular estimation actors and actresses as a class are people of loose morals, and the entertainments which reach the masses of the theatre-goers are enjoyed with this idea in view. The theatres of the lowest class are directly allied with vice, and many others, to which respectable people go, point in that direction. The play is especially attractive to city people, and becomes a demoralizing influence of great power when it is suggestive of immorality. The alliance of quasi-art and vice is a source of great danger to democracy. Under these conditions public entertainments under municipal auspices are a legitimate and almost necessary means for the protection of morals and the training of citizenship. Vice is practically everywhere at the bottom of municipal misgovernment, and though the laws of nature fight against it and destroy its votaries, it has been able in the history of the world to sap the life of nations and topple splendid cities in the dust. In fact, the problem of vice in cities becomes a question of life or death, and the expansion of municipal functions along the lines here suggested for the purpose of controlling leisure and keeping vice in check admits of no adverse argument unless it be on the score of efficiency. It is certainly a part of the legitimate purpose of democracy to preserve civilization and promote the public welfare.

The American city does not understand the full value of municipal ceremonials. True, we occasionally have a parade of the police and fire de-

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partments, perhaps a few ceremonies to celebrate park day, and an infrequent exhibition of civic hospitality to welcome distinguished visitors. Perhaps the most striking of all the street parades of New York is the annual review of the street-cleaners, who, since Colonel Waring's day, are clad in white uniforms and popularly known as "White Wings." But as a rule municipal service in the United States is a prosaic affair, with little to attract public attention or enlist popular interest except the importance of the service itself. This is the more unfortunate because in a democracy the public service needs to be kept in the public eye, and the interest of the citizens in municipal affairs constantly maintained. The street carnivals in fashion in some American towns, which often attract wide attention, are likely to tend toward libertinism and lawlessness, while strictly municipal festivals are always conducive to law and order.

Without doubt municipal government in America suffers chiefly from dearth of civic spirit among the citizens. Civic spirit is the recognition of the coöperative nature of life in cities, and the willingness to subordinate purely personal and private ends to the welfare of the community as a whole. The dearth of civic spirit is due to the intense competitive struggle in the industrial world, which tends to foster a purely materialistic standard of success. In other words, greed of gold is inimical to public spirit and civic pride. It is within the

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power of the municipality itself, or of groups of citizens devoted to the public welfare, to adopt measures calculated to cultivate civic spirit and diminish respect for purely selfish success. Civic spirit will always result from interest in municipal affairs from the standpoint of public service. By the cultivation of municipal art, removing the ugliness of bill-boards, decorating public buildings, improving vacant lots, planting shade trees, using artistic lamp posts, street signs, fire-alarm boxes, and poles for municipal wires, the city government might stimulate the pride of citizenship and encroach upon the exclusiveness of private interests.

The great complaint has been that men are too much engaged with business affairs to pay attention to public questions. The fact is that people in American cities have plenty of leisure, which is now taken up in various forms of recreation, including banquets and suppers, dances and card-parties, theatre-going, and globe-trotting, — amusements that are often demoralizing by reason of their inanity and because they furnish an excuse for rivalry in the display of wealth, which is one of the worst follies of American life and one of the practices most destructive to the essential spirit of democracy. General indulgence in these follies is attributable to ignorance and the undue development of the competitive spirit. People in America do not yet realize how intensely interesting civic affairs are, and how admirably adapted to the beautiful and happy use of leisure are the common

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services of thought and action which are the privilege of citizens in a modern city.

During the last few years there has been a great awakening of interest in municipal art as evidenced by the formation of improvement societies and art clubs throughout the country, and the practical application of the principles of art to municipal affairs in some instances. In New York recently, the authorities discovered that lamp posts and street signs could be made beautiful. This movement, however, is much narrower than it should be. Democracy is interested in municipal art as a means to the development of a higher type of citizenship, and the great need of citizenship is the intelligence and character to prefer *a leisure devoted to social service* rather than a continuous round of "social engagements" which cultivate stupidity, and make the day's work a meaningless grind. I do not wish to inveigh against relaxation or animated recreation, but to insist that an appreciation of the vitality of civic interests would soon make itself felt in the people's leisure, and discussion of public affairs would be a very welcome substitute for many less important and less interesting topics of conversation now in vogue.

Civic spirit manifests itself chiefly in the use of leisure. It involves a change of character through growth and expansion. It involves a wider conception of duty, which comes by the awakening of the social conscience. Self-seeking is transformed into social service as the mainspring of citizenship. It

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is a curious characteristic of human nature, at least in American cities, that men seem to tire of law and duty during their work hours, and consequently strive in their uses of leisure to establish their liberty to do as they please by coquetting with vice and crime and getting as nearly beyond the ethical bounds formally established by society as they can or dare. People want to be just a little wicked, in order to prove, I suppose, the freedom of the will. This tendency, which shows itself in recreation and social pleasures, is a manifestation of the wildness that flows in the blood of all men, and has come down as an inheritance from barbarism and savagery. The control of leisure, to bring men's pleasures up to a higher ethical standard, consistent with freedom as the end and aim of democracy, is, perchance, the next great step in the development of human nature. This forward step is imperative in cities, for without it civilization becomes halt and the artificial life runs amuck.

It should be the aim of every city to encourage conditions under which the passion for service becomes as eligible as the passion for gold. Democracy has freedom for its aim. It must sternly reject the gaudy allurements of license and refuse the intoxicating cup of vice. Along with the stern repression of lawlessness and public disorder, there must be included in our municipal policy the cultivation of right uses of leisure, which naturally follow from the recognition of the meaning of brotherhood and social unity. A work of art is, in

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its nature, unfitted for exclusive private possession. Lurking underneath most forms of vice, I fancy, is the fundamentally erroneous notion that the beautiful can be owned. Art and the æsthetic principle are essentially social, and the open door for the development of civic spirit and the higher citizenship is in the direction of chaste municipal art. By this means the people may be most easily led into the spirit of coöperation and mutual helpfulness so necessary to the success of city government, even from the financial point of view.

The apparently vicious tendencies of the majority of the people of cities like New York and Philadelphia, as evidenced by the frequent votes of confidence given to political organizations known to thrive upon the protection of crime and the encouragement of vice, while not calculated to inspire the friends of democracy with hope, should not be accepted as absolute and conclusive evidence of unchangeable corruption. Much is already being done in the name of better things. Boston has its wonderful system of public baths, bathing beaches, and gymnasia, which cannot fail to influence for good the rising generation of citizens. New York is extending its parks, and is building baths and comfort stations for its people. Through its system of free lectures, it furnishes entertainment and instruction to many thousands of its adult citizens, and it is making the public school something more than a children's institution. San Francisco has awakened to a new era of civic



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pride and civic duty, largely through the efforts of its great Merchants' Association. Baltimore has a fine series of public baths through the generosity of one of its wealthy citizens. Parks, playgrounds, and libraries are being established with great enthusiasm in many cities.

Yet the municipal ledger still shows a great deficit so far as public provision for the control of the people's leisure is concerned. Here is room for endless activity. Our program for the checking of vice and the building-up of the best type of democratic citizenship should include:—

1. All kinds of helpful social activity that will tend to increase the usefulness of the school and the school building as a social center.

2. The performance on the part of the city of all the public functions which the saloon has now appropriated to itself, such as the supply of safe and attractive drinking water, the supply of toilet conveniences, and the provision of a place where social life may centre without the dollar mark on it.

3. The provision of accessible public parks, athletic fields, gymnasias, public baths, and other means of physical activity for health and recreation.

4. The active cultivation of municipal art by the suppression of nuisances, such as unsightly poles, flaming bill-boards, repulsive advertisements, and the contamination of the air with smoke and dust, by the construction of beautiful public buildings,

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and the adornment of the streets and other public places; and, in the great cities, by the establishment of art galleries, museums, and municipal theatres.

5. The encouragement of civic devotion, through the use of municipal ceremonials, the attractive report to the citizens of official action, and especially the *bona fide* effort to serve the interests of the people so that they will love and respect their government rather than distrust and despise it.

6. Most important of all, the cultivation by all possible means, public as well as private, of the ideal of civic righteousness as the only safe basis of freedom and the only legitimate source of civic pride.

## CHAPTER VI

### MUNICIPAL INSURANCE

THE farmer may burn in his bed, but if he suffers that fate, it is usually because he has not cleaned his own chimney or has not covered his own hearth. If the city man burns in bed, it is generally because some one else has been careless with fire. When a farmer goes out driving, he may run great risk of being thrown out of his vehicle and killed, but in general his safety depends upon his own strength and skill as a horseman. When the city man takes a street-car ride, or intrusts himself to an elevator to be let down a couple of hundred feet in the twinkling of an eye, his safety depends hardly at all on his own strength or skill, but upon the adjustment of machinery that he seldom understands and the faithfulness of workmen for whom he individually is not responsible. If the farmer drinks from his well and gets typhoid fever from it, he may thank himself for polluting his own water-supply; and if his milk is unclean, he is the man that failed to wash the cow. But the city man must drink from a well which may be polluted from any one of a hundred sources over which he has no control, or from the city

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mains through which he may receive the germs of fever carefully brought to his door by the public waterworks from a sewage-polluted river; and as for the milk he drinks, most likely he never saw the cow that gave it or the place it came from. Illustrations might be multiplied, but let these suffice. The point is that in the country, though a man's life and property may be in greater danger than in the city, still safety generally depends upon the man himself,—his foresight, his courage, his agility, his carefulness, his *character*, in short; while in the city a man's life and property are being continuously put in the hands of the community at large, and responsibility for their safety must be collective. Out of this necessity arise those special forms of municipal insurance which are furnished by police, fire, building, health, and charity departments.

The police department stands in a general way for law and order, the protection of citizens while engaged in legitimate pursuits from the interference of those who are disposed, through carelessness or social insubordination, to violate the rules of civic life which are made necessary by the complications of existence in cities. The magnitude of the work of the police departments of our cities is suggested by the fact that in the course of a year one arrest is made for every twenty inhabitants,—men, women, and children. These arrests are for crimes, misdemeanors, and petty offences of all kinds, considerably more than half of the whole

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number being for drunkenness and disturbing the peace.

The functions of the police are manifold. First and foremost, the police officer is the watchman who stands guard over the lives and property of citizens, so that they may go about their business and pleasures with a sense of security, or, more truly, without a sense of danger. This function is not fully performed, and in some cities there is great danger in passing along certain streets at night and considerable danger in going to sleep in one's own house with any treasures. In the cities of more than 100,000 population there are over 8000 arrests for house-breaking in a single year, nearly 50,000 for larceny, and upwards of 42,000 for vagrancy, including loitering, loafing, begging, tramping, etc. The efficiency of the police in protecting citizens from robbers and burglars is a variable quantity from city to city and from time to time. Chicago has a rather bad reputation along this line, and there are times in almost every city when there is a sort of epidemic of crimes of this kind. Undoubtedly, however, the dark places in the great cities are being cleared up, so that there are comparatively few streets in America where a citizen may not go in safety at any time of day or night if he is sober and goes about his business. It is also becoming generally safer for respectable women to go out evenings without escorts.

The inefficiency of the police, where they are inefficient, can be accounted for largely by the

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semi-alliance with the criminal classes which, in the opinion of some police officers, is necessary, and, in the opinion of others, profitable. It is stated by Mr. Steffens in *McClure's Magazine* that the acting mayor of Minneapolis, after Dr. Ames had fled, was approached by representatives of the criminal fraternity who offered their assistance to him in regulating crime.<sup>1</sup> This assistance was steadfastly refused in spite of alleged extraordinary outbreaks after each refusal. But the acting mayor did not consider an alliance with criminals for the control of crime an impossible suggestion, and said he was not sure but he should have reconsidered the question if he had been going to serve a full term as mayor. This notion that "it takes a thief to catch a thief" is tolerably widespread, and in its practical workings furnishes the foundation for Tolstoy's indictment of our whole system of punishment.<sup>2</sup> In ordinary times and without

<sup>1</sup> "The Shame of Minneapolis," in the January, 1903, issue.

<sup>2</sup> In *Resurrection*, Tolstoy draws an especially terrible picture of our system of punishment by which "respectable" rogues sit in judgment on the bench and in the jury box upon their fellows. Tolstoy's ideas are based upon the Christian doctrine of non-resistance applied to society as a whole; but many a man who believes in vengeance will nevertheless balk at the spectacle of a drunkard or a libertine sitting on the bench to pass society's sentences upon the poor wretches who are caught in vice. For a sheriff, whose constant aim is to steal all he can from the public treasury, to go thief-catching is almost intolerable. Yet it is one of the peculiar weaknesses of political institutions that they often fall into the control of men who would do honor to the criminal standards of a penitentiary.

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any startling revelations of official complicity with vice and crime, citizens are loath to believe Tolstoyan charges. But special investigations and close observation all too often reveal glimpses of a subterranean world where the accredited agents of civilization join hands with its deadly enemies.

This condition of affairs is doubtless made possible by a general spirit of lawlessness in the community. While most citizens are strongly in favor of law and order when it applies to their neighbors, comparatively few have attained to the ideal spirit of democracy where they are in favor of law enforcement when it infringes upon their own freedom of action. A strict enforcement of all the salutary ordinances and rules made necessary by the complex conditions of city life would probably antagonize a large majority of the people in an average American city. This is the result of the backwardness of human nature. The ordinary type of this commodity still in use is out of date, suitable perhaps for conditions that existed a century ago, but entirely inadequate to the demands of the present time. Social consciousness is crude and undeveloped when compared with the conditions that demand it. The danger to our civilization and to democracy is that responsibility tends to outrun ability to respond, and the immediately pressing problem of our time is the development of the responding organs. The natural result of the individualistic spirit, which expects a man knowingly to vote for his own interest against the

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public welfare when the issue is drawn, and applauds him for doing so, forces the police authorities into an equivocal position, where the line of least resistance is in the direction of an understanding with the violators of law.

This alliance does not destroy altogether the efficiency of the police in the performance of certain functions for as a rule only certain kinds of vice and crime are protected. The thoroughly honest citizen who has no desire to get something for nothing or to break the law himself is seldom directly affected by police laxity. It is the swindler, the gambling-house keeper, the dive-master, the Sunday liquor seller, and their ilk that receive official protection. They desire to prey upon the greed, the passions, the ignorance, and the insubordination of citizens, and commit their crimes, as it were, in response to a popular demand. The good citizen hardly knows that he is hurt by the follies of his neighbors. It is only after the police authorities go into speculation and crime as their main business, using their official duties as a cloak, as they have done at times in New York under Tammany, that the honest citizen begins to feel the heel of tyranny upon his own neck. Then, if you are a builder, you must bribe the building department, or submit to ruinous delays in the approval of your building plans; if you are a laborer, you must vote as you are told, or lose your job; if you are a merchant, you must pay your blackmail or endure unnecessary and damaging interference in the



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handling of your goods; if you bid for a city contract, you must pay a rake-off or have your bid rejected no matter how low it may be. At this point in the development of the police disease, when the whole city is sick with political anæmia, a great revulsion of public sentiment is likely to come, resulting in a mighty effort to shake off the leeches from the city's neck. "An ounce of prevention is worth a pound of cure," however. There is no evidence to show that a city ever wholly recovers the moral and political virtue lost by police corruption; for police corruption is as often as not a result of popular corruption, and, in any case, cannot long continue without resulting in the degradation of public sentiment.

The police magistrate in any great city has a position of peculiar responsibility. If his court is a bulwark of justice mingled with mercy, his influence for good is unmeasured among that large class of people in every community who approach, at some time or other in their lives, the borderland of crime. On the other hand, when the magistrate is brutal, ignorant, or corrupt, or uses his position to build up for himself a political following, one of the principal educational institutions of the municipality is turned into a school of depravity. The city that tolerates such a police judge is committing suicide. It would be difficult to ascertain the general efficiency of the police courts of American cities, but it is well known in many places that the judges are not as high-

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minded, intelligent, and courageous men as they ought to be. It seems probable that conditions are improving. Certainly the movement toward juvenile courts and the separation of first offenders from hardened criminals has gained much headway, and it seems hardly possible that the abominations of the Tammany magistrates' courts of New York City, as they flourished prior to 1895, will again be possible for any considerable period in the near future.

The police department has other functions besides the prevention and punishment of crime. The policemen protect and preserve the parks and playgrounds. They maintain order at public meetings. They keep the way clear for street processions and parades. They stand guard at dangerous street crossings and help pedestrians over. They catch runaway horses and impound unmuzzled dogs. They take care of lost purses and parcels. They give information about their city to strangers. They turn in fire-alarms and do many other friendly services for which the community owes them a debt of gratitude.

There is a side of the policeman's life that is very attractive to youths. His uniform makes him a striking figure. His duties involve considerable danger and occasional opportunities for heroism. His miscellaneous services make him useful to people. Indeed, the policeman has almost, if not quite, as great an opportunity for influencing the morals of youth as the school-teacher. It is all

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the more a pity that groups of boys often get to look upon the policeman as their natural enemy, and the policeman gets to look upon the boys as the most lawless of citizens. This unhappy misunderstanding is partly due, in some cases, to official brutality and ignorance, but the main cause for it is the premium put upon youthful lawlessness by the careless city that provides not for its children. Playgrounds, vacation schools, public baths, gymnasias, athletic fields, and the like enterprises are the means by which the policeman and the boys can be brought into harmony to the infinite advantage of both.

The great cities of America maintain side by side at enormous expense two departments of municipal government,—one for the education of citizens, and one for their correction. To a considerable extent the efficiency of the former renders the latter unnecessary. Yet Philadelphia spent \$700,000 more in 1901 for correction than for education. Possibly that partly accounts for her notoriety as a “corrupt and contented” city. The 38 cities having over 100,000 population each, and an aggregate population of a little over 14,000,000, spend about \$60,000,000 annually for schools, libraries, museums, etc., and \$36,000,000 for the police, police courts, jails, etc. This shows an expenditure of 67 per cent more money for education than for correction, the average for the latter being \$2.51 per capita. The percentage of excess in expenditures for the one department

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or the other in the principal cities during the year 1901 is shown by the following table:—

CITY	EXCESS IN EXPENDITURE	
	For education	For correction
	per cent	per cent
New York . . . . .	78	—
Chicago . . . . .	113	—
Philadelphia . . . . .	—	20
St. Louis . . . . .	—	9
Boston . . . . .	15	—
Baltimore . . . . .	34	—
Cleveland . . . . .	151	—
Buffalo . . . . .	54	—
San Francisco . . . . .	28	—
Cincinnati . . . . .	76	—
Pittsburg . . . . .	98	—
New Orleans . . . . .	82	—
Detroit . . . . .	66	—
Milwaukee . . . . .	118	—
Washington . . . . .	25	—
18 cities with from 30,154 to 33,988 population . .	232	—

In the 38 principal cities there are about 25,000 policemen, or approximately one for every 570 inhabitants. There are about twice as many school-teachers, who are on the average paid considerably less for their services than the police officers.

In a study of the cost of the police and edu-

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cational departments of city government, either comparatively or otherwise, it must be borne in mind that by no means all the effort and expense involved in these great functions are carried by the cities in their corporate capacity. In the Eastern states, especially, vast sums of money are spent in the support of private schools, and large amounts are also spent privately in various cities for police protection. The various detective agencies and the companies organized to furnish night watchmen have a liberal patronage. Indeed, it is said that a considerable share of the police work in New Orleans is done by a private company. This is evidenced by the comparatively small number of city police officers and the small public expenditure in that city. With a population greater than Detroit, New Orleans has only a few more than half as many policemen, and spends less than half as much money on the service.

Making allowance for such exceptional cities as New Orleans, the public expenditures for the police increase rapidly with the size of the cities, so that in those of over a million population the cost of the police is shown to be three times as much per capita as in cities of from 30,000 to 40,000.<sup>1</sup>

American cities need to become more law-abiding. This result cannot be brought about by police supervision alone. There is needed an

<sup>1</sup> These estimates are made from the "Statistics of Cities," published in the United States *Bulletin of the Department of Labor*, September, 1902.

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awakening of intelligence to the point where the city will take more pains with the education of youth, and will inculcate by precept and example the necessity of subordinating private interests to public welfare. The policeman should be regarded as the friend of all good citizens, the argus-eyed guardian of public order, the brave champion of law who takes his life in his hand for the protection of our liberties. The policeman ought to be brought into closer touch with the moral and educational forces of the community, both for his own sake and for the benefit of the service. If he spends his years in constant contact with thieves, prostitutes, and drunkards, it is to be expected that his moral sensibilities will be deadened. Police officers as a rule have little faith in human nature. They know the dark side of so many so-called respectable citizens' lives that they come to regard movements for the eradication of vice as impractical and harmful. Their attitude toward the social evil is significant. It is believed that the police almost universally aim to confine prostitution to certain districts and let it alone except when it allies itself with other evils which are generally regarded with more aversion. The police favor confining prostitution to certain quarters so that a man who is robbed or who catches a contagious disease in a bawdy house may make more effective complaint. In other words, they regard prostitution as a social necessity, and strive to make it safe. They are not idealists. They

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need a broader education in social ethics. All possible means should be used to increase the usefulness of the police force along other than purely corrective lines, and to bring the police officers into closer contact and more sympathy with the law-abiding elements and the educational forces of the community.

The fire department is perhaps the most picturesque and popular of all the municipal departments. The sudden call, the magnificent response, the horses, machinery, and men, all moving swiftly through the crowded streets to the scene of danger, would give to the activities of the fire force a prestige in popular favor, even if the people were generally unconscious of the dreadful dangers and the terrible heroisms of fire fighting. There is, perhaps, nothing before which the wealth and grandeur of a great city sinks so quickly into insignificance as fire. There is no enemy that so constantly threatens to imperil the life and property of every citizen of a great city as fire. The great fires in Chicago and Boston in the early seventies are among the most terrible events of American history, and in recent years the Paterson and Baltimore fires, the hotel holocausts in New York, and the Iroquois theatre fire in Chicago make one's breath come quick to think of the responsibility for life that rests upon the fire and building departments of every great city. A hotel, or tenement-house, not properly constructed or provided with means of escape in case of fire, is a

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death-trap more ghastly than any other ; for in it, in the midst of civilization, comfort, and peace, men, women, and children put their lives almost without reservation into the care of others. They have a right to expect a degree of safety impossible on a railroad train or in a mine. It is these terrible moments of danger that give dramatic interest to the fire department.

The total property loss by fire in cities of more than 30,000 population is approximately \$60,000,000 in an average year, resulting from about 60,000 fires. There are, besides, a good many false alarms which set the machinery of the department in motion and test its efficiency. It is estimated that the fire losses covered by insurance in the various underwriting companies amount to about 60 per cent of the premiums paid. This means that it costs the cities about \$100,000,000 per year for fire insurance, besides the cost of the municipal fire departments. These cost approximately \$25,000,000 a year, so that fires and protection from them cost the cities about \$125,000,000 annually. Municipal fire departments are kept up to a standard of efficiency, partly through the general recognition of their responsibility, and partly through the constant pressure exerted by the fire-insurance companies in raising or lowering rates in accordance with the efficiency of service. The department has not complete control over its own efficiency, however, for it is largely dependent upon the water pressure furnished by the city for its use.



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It is interesting to note that the largest cities, including all those with a population of more than half a million, spend less than half as much on their fire departments as they do for police protection; while in cities of less than 50,000 population the expenditures for the two kinds of protection are nearly equal. Indeed, there are eleven cities with more than 100,000 population where the fire department costs more than police protection. This comparison indicates that the fire service is a more constant factor in the life of cities, and less given over to fluctuations of political extravagance, than the police department. The generally excellent service rendered by American municipal fire departments points to the tremendous power for good that can be exerted over government by a well-organized private interest of practically universal character, such as fire insurance. If the police department could be subjected to some such pressure, there would be a great cleansing of the Augæan stables. It is not contended here that all fire departments are free from corruption. Tammany influences corrupt every department in a city's administration. But corruption in the fire department is checked before it materially diminishes the efficiency of the service.

The inspection of steam boilers and the regulation of the storage of explosives and combustibles often form a part of the duties of the fire department. Boiler inspection is also carried on by pri-

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vate companies. In some cities, indeed, the fire underwriters maintain a salvage corps whose business it is to attend fires and supplement the efforts of the municipal force in saving property. In the case of boiler inspection, however, the work of the municipal department is generally supplemental to that of the private companies.

The importance of the inspection of buildings in great cities is not generally appreciated in full. We have the authority of the last Tenement House Commission of New York for the statement that more than one-half of the inhabitants of the American metropolis are dependent upon the strong arm of law for safe housing. Under the conditions that arise where population is congested, the ordinary motives of self-protection and desire for profit are inadequate to make buildings safe and sanitary. The erection of suitable fire-escapes is one matter of prime importance. Supervision of the electric wiring of buildings at the time of their construction is another such matter. The frequent inspection of elevators and the guarantee of their safety has become a prime necessity in modern office buildings and stores. The occasional disasters that result from the collapse of a building, the explosion of a boiler, the falling of an elevator, the wreck of a street car, or the destruction of a hotel or theatre by fire serve as powerful reminders of absolute dangers against which we are insured by municipal inspection or under municipal control. The necessity of public interference on behalf of

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general safety is notorious. There is a class of men who, actuated by ignorance or blinded by greed, and devoid of any sense of social responsibility, will build fine-looking death-traps for profit only. There is no officer in a large city who needs more intelligence and downright courage than the building inspector. Under Tammany the New York building department was one of the most corrupt. Of 333 tenement-houses under construction three or four years ago, inspected by the Tenement House Commission, only 15 were being built without any violation of the law.

Coercion is required in large cities to keep buildings up to right standards in three main directions — safety from fire, safety from collapse, and sanitary safety. Not much is required of the ordinary one or two story dwelling-house or shop, in the first two particulars, and, in a general way, sanitary inspection may in these cases be confined to the plumbing, except in the worst slum districts. The requirement of fire-proof construction or of adequate facilities for quick escape, in case of fire, is chiefly important in the case of factories, big stores, public buildings, office buildings, hotels, and apartment and tenement houses of three or more stories. The danger from collapse is also practically confined to these classes of buildings. Sanitary regulations are of greatest importance in densely populated tenement-house districts, where the dangers from defective plumbing are multiplied, and ventilation, light, and adequate sleeping

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room are often wanting. Building inspection is one of the public necessities arising from the growth of cities. The minute regulations of the ordinances are often annoying and expensive to the builder, but they would be much less so if the citizens generally acknowledged their necessity and strove to conform to them rather than to evade them.

One of the most interesting contributions made in recent years to the story of municipal government is Mr. Henry W. Thurston's brochure, entitled *The Fight for Life in Chicago*, recently published by the Board of Education of that city as the first of a series of "Municipal Studies" to be prepared by the sociology department of the Chicago Normal School, as a guide for the study of civics in the public schools. The spirit of Mr. Thurston's study can best be shown by quoting from his opening paragraphs:—

"We are all familiar," says he, "with the campaigns of the seven years' war which our great-grandfathers fought for independence from England. We have all heard the brave story of the war between the Blue and Gray which set free our colored people. The story of these wars, which men fought with sword and rifle and cannon to the music of song and trumpet and drum, is more than a twice-told tale to us. But the story of the seventy years' war right here in Chicago, the boys and girls of the city, and even most of the men and women, have never heard. And yet there has been such a war in our city, a war not for the right

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to govern ourselves as we think best, a war not to free ourselves from slavery, but a war for the chance to live.

"When we began the campaign in the early days of our city, our enemy was so cruel that he usually took one out of every thirty of our number yearly. During one unusually fatal year we lost one out of every sixteen, and in 1849 one of every fourteen.

"But our war has been even more cruel than these figures show; for, during many years, more than half of those killed were not old men and women, who had lived long and happy lives, but little children, less than five years old, who had hardly begun to know how sweet and beautiful life may be."

Cholera broke out among the United States troops sent to Chicago in 1832 to fight the Indians. The next year the town was organized, and the fight against disease began with the rule that no dead animals should be thrown into the river within the town limits. Scarlet fever became an epidemic in 1843, and smallpox in 1848. In 1849 the cholera broke out again, and carried off about 3 per cent of the population. Civic effort to cleanse the city and protect life was spasmodic. "So long as the lives of citizens were exposed only to the ordinary diseases incident to the country, no attention was paid to sanitary measures." But gradually necessity compelled the city to take up the several enterprises required for the protection of public health, — a pure water-supply, a sanitary

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sewerage system, the prompt removal of garbage and refuse, the cleansing of the river, street cleaning, milk inspection, meat inspection, the inspection of other foods and ice, the relief of overcrowding, the abatement of the smoke nuisance, the establishment of public baths, etc. The city has been only partially successful in most of these enterprises. The great drainage canal has not yet fully cleansed the river, nor wholly removed the danger of sewage contamination of the water-supply. The smoke nuisance has been partly removed, but tenement-house overcrowding and street filthiness have hardly been touched by municipal effort. In 1896 the Department of Health reported the death-rate to be 80 per cent higher in ten wards than in ten other wards; while in the most unhealthy ward the rate was 364 per cent higher than in the most healthful one. The causes for this difference were stated to be, in the order of their relative importance:—

*First*, the condition of streets and alleys;

*Second*, the character of the natural site;

*Third*, the character of the habitations;

*Fourth*, the character of the population.

The first three of these causes are social, and depend to a considerable extent upon municipal endeavor for their removal. The life-insurance function of city government is admirably stated in another report of the Chicago Health Department. Says the commissioner: "Neglect of intelligent, well-directed sanitary supervision by the

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municipality for the protection of its citizens is municipal murder. The city having assumed the sole right to furnish water, drainage, paving, police protection, fire protection, etc., to the citizen in return for taxes and assessments, is morally and should be legally bound to protect him in the enjoyment of his life and property, free from any nuisance created on adjoining property injurious to him."

One of the most imperative functions of municipal government is the protection of the lives of infants. Infant mortality is a pretty sure index of municipal negligence. Children under five years of age furnished only 30 per cent of the deaths in Chicago in 1902. In the early days the percentage was fifty or sixty. The Boston Department of Statistics furnishes figures of infant mortality in Massachusetts for the years 1891 to 1897.<sup>1</sup> In Fall River 255 children died under one year of age for every 1000 births. The average rate for all cities of the state was 164.2, and for the country districts 129.5. In five cities at least one baby in five died. The last Federal census gives the figures for the year 1900 in all the principal cities of the country, and also in nine states included in the registration area.<sup>2</sup> These states are the six of New England, together with New York, New Jersey, and Michigan. The District of Columbia is also included in the area. Within these states the cities show an infant mortality of 184.7 per thou-

<sup>1</sup> *Monthly Bulletin*, March, 1900.

<sup>2</sup> *Abstract of the Twelfth Census*, pp. 197-201.

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sand, while the rate in the rural districts is 117.4. The rate in New York City is 189.4. Minneapolis and St. Paul, St. Joseph, Missouri, and Rochester, New York, are the only cities with over 100,000 population in which infant mortality is less than in the rural districts of the registration states. In Philadelphia, Baltimore, Washington, New Orleans, Memphis, Detroit, Providence, and Fall River, from 20 to 30 per cent of the babies die before they are a year old. Richmond, Virginia, shows 30 per cent, and Charleston, South Carolina, 42 per cent. These figures seem almost incredible. If the death-rate among infants were the same in the cities as in the rural districts, 5800 baby lives would be saved every year in New York City, 2400 in Philadelphia, 1250 in Boston, 1000 in Baltimore, 850 in Chicago, 450 in Providence, and so on through the list.

Typhoid fever, a disease that is usually contracted from the use of impure water or milk, is the cause of many deaths and of enormous expense. Pittsburg and Allegheny have the unenviable distinction of standing at the head of the list of the great American cities in the proportion of deaths caused by typhoid fever. In Pittsburg 6.31 per cent of all deaths during the year 1901 were from this disease. The percentage in Allegheny was 5.53.<sup>1</sup> It is no wonder that these cities are agitating the purification of their water-supply. The ex-

<sup>1</sup> See *Bulletin of the United States Department of Labor*, November, 1902.



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perience of Chicago shows clearly how much can be accomplished in this way. The number of deaths from typhoid decreased very strikingly when the intake pipes were extended farther into Lake Michigan about ten years ago. The number of deaths from typhoid was 1008 in 1890; 1997 in 1891; 1489 in 1892; and only 670 in 1893. In 1900 the total number was 337; in 1901, 509; and in 1902, 801. But it is needless to present figures to prove that a pure water-supply is in the interest of public health. Indeed, pure water is so fundamental a necessity, and under urban conditions individual care is so inadequate a protection against dangers from pollution, that cities might well undertake the absolute guarantee of the water, giving citizens injured by drinking it the right to collect damages from the municipality.

The health departments proper of the great American cities spend only about one-tenth as much money as is spent for police protection, although it is undoubtedly true that on the average municipal health activities save many more lives than police activities. Chicago spends only about \$200,000 on its health service. Expenses for sewerage and garbage removal are not included in these estimates. In spite of these comparatively small expenditures on public health, the reported death-rates of our cities make a good showing.<sup>1</sup>

<sup>1</sup> The death statistics are not altogether reliable in some American cities. St. Joseph, Missouri, for example, shows a rate of only 9.1 per 1,000 for 1900, and 6.5 for 1901.

## MUNICIPAL INSURANCE

The rate per 1000 population is seldom more than 20, the average for the 38 largest cities being 16.2. The danger to life from disease is much greater than the danger from violence, and, of course, the total cost of curing and preventing sickness is much greater than the cost of police protection. But most of this expense takes the form of doctor bills, hospital bills, and life-insurance premiums. It seems certain that a much greater expenditure on municipal life insurance in the way of better sanitary inspection, purer water and milk supplies, better housing, more public baths and small parks, etc., would bring about a large total saving to the community through lower death-rates and less sickness. But we are not yet entirely past the idea that sickness is inevitable and in accordance with the will of Providence. Life and health are often held in less effectual esteem than property, and the community is sometimes not so well educated to the necessity of public protection for the former as for the latter.

There is another great field of public insurance which attains increased importance in cities. That is insurance against suffering and death by reason of poverty or incapacity. The processes of civilization are costly. The wastes of progress are enormous. The strain of our organized industrial and social life uses men up before their time. Vice multiplies its victims. The city is compelled by the dictates of humanity and self-respect to pick up and remove from the arena the victims of

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the strife that makes the city great. The homeless children, the idiotic, the insane, the crippled, the penniless aged, the social outcast, the misfit, all must be cared for, that life may not absolutely perish and that the footprints of the city's onward progress may not be marked with blood. Municipal charity is a kind of life insurance that reckons physical existence as the essential thing in life, and counts its duty done when men, women, and children are kept alive. The quality of the life they live seems of little account, only so they live. This criticism of public charity is not, of course, universally applicable, but often public officials think municipal duty is fulfilled by the mere preservation of life. New York and Boston spend about as much on hospitals, asylums, almshouses, and other charities as they do on their fire-departments, and Washington and several large Massachusetts cities spend more, but most of the cities spend far less. The city of Chicago spends almost nothing in this way, charities being a county function in Illinois. Indeed, charities are not naturally a distinctively municipal function except in so far as the wear and tear of civilization is accentuated in city life. But the city is responsible for the care of its human wastes no less than for the disposal of its wastes in other forms. Its main responsibility must be, however, in preventive measures, arising out of the spirit of coöperation, which is the only salvation of men under urban conditions.

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It is the competitive spirit that casts men into the wine-press of civilization, and, after draining off their life-blood and nerve-force, drops them like useless pulp by the wayside of progress. Democracy is opposed to this spirit. It cries out that men are not fit materials for the wine-press. It has faith in universal brotherhood. Mere life is not particularly sacred to democracy, but the opportunities for mere life to expand into full and free life are sacred to it. Under democracy, municipal insurance reaches far beyond mere existence and safety into the higher coöperations for the guarantee of physical, industrial, and social conditions fit for freedom.

## CHAPTER VII

### CIVIC COÖPERATION

INDUSTRIAL society and political society are organized on radically different principles. The one lays emphasis on the differences among men and employs division of labor to attain its ends. The other lays emphasis on the universal attributes of human nature and uses equal suffrage as its instrument. For industrial society, in considerable degree, distance has been annihilated and space overcome. For political society, under civilization, place and territorial limits are fundamental. The idea of equality is an outgrowth of man's primary relations with nature. Every man must have a place and on some spot of earth a home. This fact is at the basis of free government, and out of the recognition of its full significance grows democracy. Birth, growth, nutrition, reproduction, death, are the great levellers that remind us of the essential equality of human life. It is with the guarantee of equal opportunities to play our parts well in these primary processes that government is chiefly concerned. This of necessity brings government into relation with place, for all the people are divided up into little *local* groups called "families."

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They are *somewhere*, and government finds them in that place.

The vast expansion of the facilities for transmitting intelligence and goods has seemed of late years to be breaking down the barriers of space and diminishing its significance. We almost forget that man needs a habitat. It is the boast of our era that we can traverse an ocean or a continent in a few days, can throw our voices a thousand miles, can send messages around the world in a few moments. We think that, space having been annihilated, we need no room, and so will live all in one place. Cities grow apace and population becomes congested. But the earth goes rolling on, and we stay with it. We still nurse at its bosom and sleep upon its lap, and from the platting of the first acre the price of land goes up. Locality persistently asserts itself, and the faster distance is abolished the more rapidly the price of standing room rises. And so, step by step, ceaselessly and unflinchingly, nature's dominance over man asserts itself.

The growth of cities and the unwonted development of industrial society have taken us a long way toward the social organism. But in the nature of the case reaction must come, and this reaction is taking the form of the problems of city government. Division of labor in production, coupled with intense competition in enjoyment, has resulted in conditions that make civic coöperation necessary.

The growth of a city creates new place interests and enlarges the functions of government. It is

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no longer possible for every man to chop his own road through the wood, but all the citizens must combine not only to make streets, but to grade and pave them at great expense. The householder can no longer tap the earth in his front yard for a supply of drinking water, but must unite with the other householders to construct aqueducts and reservoirs and lay an elaborate system of pipes in order to bring water to his door. He can no longer raise and slaughter his own swine and chickens, or depend upon his neighbors to do it, but must unite with them to establish a market where all may buy their meat from strangers under guarantees of sanitary conditions. The city dweller can have no field, and perhaps no dooryard, in which his children may play, but must unite with his fellow-citizens to establish public parks and playgrounds for the use of all in common. Urban citizens may even be unable to get fresh clean air without putting their heads together to devise and enforce building regulations or to abate the smoke nuisance.

After the construction and maintenance of the streets themselves, the so-called municipal monopolies offer the most inviting field for civic coöperation. The term "municipal monopoly" is quite generally understood, though many citizens still believe it a misnomer. As ordinarily considered, a municipal monopoly is a business that requires for its very existence the use of permanent fixtures in the streets and alleys. It might be argued that

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competition in the milk business or even the grocery or dry-goods business, so far as the delivery of goods is concerned, is unnatural and requires the wasteful duplication of routes, all the dealers having to send their wagons over the same streets to serve scattered customers. There is force in this argument, and for this very reason we find that the large concerns can be most economically managed and business is actually tending toward combination or division of territory for economy's sake. Nevertheless we cannot consider the milk-supply business a municipal monopoly in the same sense as the water business. The one requires a small capital investment and a comparatively large current expenditure, while with the latter the case is reversed. The installation of the permanent fixtures in the streets for the distribution of water, gas, electricity, or steam, or for street-railway transportation, requires such a great outlay of capital and imposes such a burden on the street that, from the standpoint of the public as well as from that of the purveyor of the commodities, it is practically necessary in the long run for the same water and gas mains to supply every house in the street and for the same street-car line to carry all the passengers in the district who desire to travel in that way. The municipal monopolies, as commonly understood, then, include waterworks and sewers, street railways, and telephone systems, gas and electric plants for light, heat, and power, and such other kinds of business as may require special



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permanent fixtures in the streets as a condition of their existence.

These services tend to be universal, uniform, and necessary. The unit of service is the private residence which is a *local* institution. True, there are many limitations upon the universal character of the service. In some cities of considerable size private wells are still the main source of supply of drinking water, but as a rule the city water mains carry water from a common reservoir to the tenement and the mansion alike. In the same street car the poor and the rich ride side by side if their hours of labor are the same. Everybody pays the same rate as a rule. Gas is not so democratic, and electricity and telephones are still less so, yet they *tend* toward universal use, and among the users the service is practically uniform, the saloon and the church, the boarding-house and the mansion, being actually hitched together by wires and pipes. The points in which public utilities lend themselves particularly to democratic coöperation and ultimate control by the whole people are these:—

*First.* Competition fails to give adequate control, because a large capital investment is required, and this is practically wasted when applied to the construction of duplicate plants.

*Second.* Competition is rendered still less feasible as a mode of control by the congestion of population and the consequent necessity of putting land and franchise rights to their full use, double

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lines being often intolerable from both a public and a private standpoint.

*Third.* The unit of consumption is a local unit, the family residence or the place of business. This is true to a certain extent even with the street railways, their profit depending principally on the *number* of homes within easy reach of each particular line.

*Fourth.* The service is for all, determined according to their location, not according to their wealth, or personal tastes, or individual character.

It is clear according to the theory of democracy that these universal interests where competition is ineffective should be under popular control. That every man should be able to get transportation, water, and light, and dispose of his wastes at the minimum cost, is one of the conditions of free life in cities. In fact, the fixtures in the shape of tracks, pipes, wires, and conduits, by which these services are performed, are in reality only a part of the open road by which free movement for persons and commodities is secured. The political coöperation compelled by city conditions under the theory of democracy logically tends toward the absolute public ownership of the street and every fixture in it, over it, or under it. And we may confidently expect that, if democratic institutions do not suffer abortion, municipal ownership of the distributing systems, at least, of all public utilities will in the long run become practically universal.

Civic coöperation does not stop here, however.

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In the country every household has its own milk supply or can get it from neighbors. Milk is only second to water in universal importance, and is peculiarly subject to contamination and adulteration. In the first place great care must be exercised in the production of milk to insure that it is pure and nourishing. Then the handling of the milk requires equal or greater care to insure that its receptacles are kept sweet and clean. Finally, milk must be delivered quickly and consumed quickly. It is one of the most perishable of foods. Upon pure, wholesome milk, reasonably cheap, depends in large measure the reproductive capacity of cities. Milk is the food of infants. The appalling mortality among infants in some cities is a clear indication of the public importance of a pure, wholesome, and abundant supply of milk. In a city like Chicago, with its 2,000,000 people, the citizens are critically dependent upon the public authorities for milk inspection. The milk-supply business tends toward monopoly in a great city for the reason that large quantities have to be moved long distances and distributed as quickly as possible. The small milkman cannot do business in a metropolis. The economic demands for milk may be able generally to stimulate the production of a sufficient supply, but only municipal coöperation through authority will insure that this supply is safe and nourishing. So here we have another instance of the special necessity that compels governmental coöperation

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in cities. We often hear in these days rumors of a milk trust for some city, but there is very little talk as yet of municipal dairies in the United States. Springfield, Massachusetts, however, maintains as a part of its animal exhibit a herd of thoroughbred cattle. The cows furnish milk for other animals in the zoölogical garden, and a considerable amount in addition, which is sold by the city and brings in several hundred dollars a year.

What is true of the milk supply is also true, though to a less extent, of other food supplies, especially meat. The necessity of civic coöperation for the purpose of securing food at reasonable rates has given rise to municipal markets which are almost everywhere a recognized municipal function. The market is a public place where buyers and sellers of food supplies congregate at regular intervals to meet the constant and universal demands of the people of a city for food. The market is the centre of the distributing system, and here the municipal authorities exercise more or less control by means of the inspection of weights and measures and of the quality of the food itself. The magnitude of the meat business and the peculiar dangers to the public health from meat contamination make meat inspection particularly important. The disgraceful condition of private slaughter-houses in and about Michigan cities led to the passage, in 1903, of a stringent act giving cities control over slaughter-houses, outside of

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their limits even, and empowering each city to establish a public abattoir and require that all slaughtering for the city markets be done there.<sup>1</sup> This form of municipal coöperation, though common in foreign cities, is as yet hardly known in the United States. It is, nevertheless, a coöperative function toward which the very conditions of city life are driving us.

Free public education is the most firmly established socialistic enterprise of the American commonwealth. We have already discussed at some length the peculiar features of the educational problem in cities. There are only one or two things further to be said here in regard to public education as a phase of civic coöperation. One is in regard to the movement for free text-books. Educators argue in favor of free text-books the desirability of making education completely free and the schools fully efficient. They say that a text-book is as necessary to the child's education as a desk, a pencil, or a blackboard. Why, then, should the city stop short in its supply of the necessary tools of education? And, from the standpoint of efficiency, why should the school be compelled to lose several days or weeks every year waiting for individual pupils to supply themselves with text-books? There are several arguments advanced against free text-books, the most forcible being brought forward by the taxpayers who object to paying in proportion to their property for

<sup>1</sup> Michigan *Public Acts*, 1903, p. 140.

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the education of other people's children, and by parents who send their own children to private and parochial schools. These arguments would apply with equal force against the whole system of free public education. This is, however, primarily a question of state socialism rather than of civic coöperation, except that in cities the problem becomes more acute by reason of the greater prevalence of private schools and the greater inequalities of wealth among the citizens.

There is one phase of the educational problem that is especially related to civic coöperation. I refer to technical schools. By a recent Massachusetts law the state offers to coöperate with certain cities in the establishment and maintenance of such institutions.<sup>1</sup> Already textile schools have been established in New Bedford, Fall River, and Lowell. Here again we have a municipal function that is commonly undertaken in foreign cities, but has been unknown in the United States until recently. Public technical schools hardly come within the necessary scope of municipal functions except in cities where one industry is so predominant as to be vital to the prosperity of the town, and therefore of universal interest to the citizens. Many of the New England cities have such a condition. Grand Rapids, Michigan, is one of the best illustrations in the Middle states of a city with one dominating industry. The furniture business is so much the life of Grand Rapids that many

<sup>1</sup> *Laws of Massachusetts*, 1895, Chapter 475.

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of its conservative citizens suggest the desirability of a municipal school of design, without even thinking of socialism.

The protective functions of government are not ordinarily considered socialistic. Even Herbert Spencer found room for police protection in his emasculated state. Nevertheless, in great cities the municipal activities for the guarantee of life, health, and property become so complex and far-reaching as to constitute notable examples of civic coöperation. This is undeniably true of such functions as free fire protection and the free collection and disposal of garbage. And in so far as the police force is used for taking the school census, giving information to strangers, and assisting the work of other municipal departments, it also becomes a witness to the fact that political coöperation on a larger and larger scale is an urban necessity.

Yet the most startling and convincing illustrations of the local unity that finds its expression in civic coöperation come in cases of public emergency. The expenditure of extraordinary sums on public improvements in times of industrial depression in order to give employment to labor, and the turning of vacant lots into free vegetable gardens for the unemployed are instances. Yet these are of slight signification compared with the entrance of cities into the coal and wood business in the midst of a season of prosperity, as many did during the winter of 1902-1903. Many of the

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more wealthy and conservative citizens looked with disfavor upon this new form of municipal enterprise, even under the trying conditions that existed, but there is no question about the general popularity of the movement. The citizen with no coal in his bin and unable to get any at any price from his dealer did not stick on theory before buying a ton of anthracite from the municipality. The lower house of the Massachusetts legislature asked the supreme court of that state for a ruling in reference to the constitutionality of proposed legislation, giving cities and towns the right to establish municipal fuel yards in certain contingencies. The ruling was handed down in January, 1903,<sup>1</sup> and held that a city could furnish fuel to those unable to buy, by reason of its right to relieve paupers; that legislation could be passed authorizing a city to act as agent for its citizens in getting fuel where conditions were such that private individuals could not get any; but that so long as private dealers furnished fuel, no matter what the price, the city could not be authorized to establish yards for buying and selling coal or wood, thus entering into competition with its own citizens in an ordinary private business. If this decision is generally followed, it may check in some measure the tendency toward civic coöperation in such emergencies as a coal famine. Yet necessity, if it becomes real, will obey a higher law and compel the amendment of the restrictions of constitution

<sup>1</sup> *In re* Municipal Fuel Plants, 66 N.E. Rep. 25.



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and statute-book that were enacted without reference to the radically new conditions which confront cities.

The chief danger to liberty is license. The chief danger to democracy is mob rule. The chief danger to coöperation is extravagance. This is in spite of the fact that coöperation is always advocated as an economy measure. Human wants show a peculiar facility for expansion. As a result of this fact we tend to anticipate the expected economies of coöperation and raise our standards of living. We mortgage ourselves to the future and spend the money. This tends to be true in every department of life where any form of coöperation other than the organic form is tried. We should suppose that two persons could live more cheaply together than apart, yet, according to a common tendency of human nature, two will demand a greater variety of food, more utensils, and better service if they feast together than if they feast separately. With the entrance of every new partner into the coöperation in consumption or enjoyment, the equipment must be improved and the goose be hung a little higher. It is a peculiar thing that the larger the city the more expensively its citizens must dress. It seems peculiar also that coöperative housekeeping should generally be so expensive as to be within reach of the wealthy alone. It is the same way in the formation of trusts. The expected economies are likely to be anticipated in watered stocks and exorbitant salaries.

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This tendency illustrates the gravest danger in civic coöperation. The people like good things. If they find they can have them cheaper through public than through private agencies, they immediately want more of them, and unless taxation is so arranged that those who vote for expenditures also feel the burden of paying for them, there is a danger of extravagance which will react upon the whole community and cripple it. A low tax-rate does not cease to be a good thing after the people have embarked upon a policy of civic coöperation. There are some things we cannot afford, even though they are cheap. This tendency to extravagance in anticipation of the savings of coöperation is not universally operative, and can be held in check by a healthy conservatism born of common sense and civic honesty. Yet it is a menace to municipal democracy, and care should always be taken in assuming any new municipal function to keep the cost of it unmistakably before the people, and the burden of its support so placed that there will be no popular delusion about getting something for nothing. Under complete democratic socialism this tendency would correct itself, for its effect could not be concealed. The whole people would immediately feel the pinch from public extravagance.

Back of the danger of popular extravagance lies a condition of citizenship that constitutes the chief menace to democracy in American cities. This is the lack of public spirit. The men who conduct

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public affairs are animated by too nearly the same motives as those who conduct private business. The civic consciousness is hardly awakened. Yet for the success of coöperation it is necessary that public officials should be truly representative,—that is, animated by public motives. The popular demand that public men should act from a different motive in conducting the public business than the rank and file of the people themselves do in their own business, though seemingly inconsistent, is nevertheless founded on a true distinction. The very nature of public works demands the elimination of personal selfishness from the public officials. Nevertheless, this demand is met only in a scant measure. There is prevalent among office-holders and office-seekers a spirit of commercialism that would do honor to the most ruthless business man.

This spirit has been greatly stimulated by the fee system in county offices. One of the big fee offices in a county containing a large city comes to be a gold mine, and an election to such an office amounts to an exclusive lease to work the mine for a term of years. Under these conditions some of the worst forms of public plunder thrive, and public spirit is practically excluded. Holding office is a business proposition pure and simple, with an odious monopolistic feature added.

Public officials come to regard themselves not as the guardians of the public funds, but as licensed looters whose main business is to unlock the public coffers and draw out for themselves and their

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friends the maximum amounts of money they can get. The trouble is that competitive human nature has failed to rise into a new category to meet in good faith the demands of coöperation. Literally, the trouble with commercialism in politics is that it is out of date; it does not belong to the coöperative scheme; it is primitive and uncivilized.

There are, of course, many other influences besides the fee system that foster this evil spirit. The American citizen must turn over a new leaf. He must adjust himself mentally and morally to the new conditions of life. Material development has been too swift for him. Upon his farm and forest lands has sprung up a glittering Babylon. He is still a boor, and thinks that splendid civilization is his to pillage. At least so one would think who reads the shameful chapters in the history of New York, Philadelphia, Pittsburg, New Orleans, St. Louis, Minneapolis, and some other American cities. Yet everywhere the spirit of the new time is moving. Civic pride and the municipal conscience are beginning to appear, and there is reason to believe that time and necessity will in most cases develop a better citizenship, and provide municipal leaders worthy of the great trusts that fall into their hands.

Even now the general inefficiency of municipal work is probably much exaggerated. When a reformer raises the cry that the city's affairs should be conducted on business principles and points out the disheartening inferiority of public as compared

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with private methods, he generally has in mind the best private business methods and the worst public methods. The really successful and thoroughly honest business man is the exception and not the rule. Gigantic blunders are often made in private enterprises, and fraud, looseness, and inefficiency are not uncommon. It is not certain that if all municipal business were compared with all private business, the advantage would be with the latter. Publicity of accounts and responsibility to the people, imperfect as they are, are powerful factors in keeping public business in a state of efficiency. Nevertheless, we know all too well that citizens often take a peculiarly base attitude in their relations to the public treasury. They say "the city is rich," and charge an extra price for the goods they are selling. Even in the country districts we often see the tendency of the taxpayers to give a short measure of service in doing road work. And in cities contractors form a special class of citizens who generally strive to help themselves at the expense of the public. In so far as the charge of extravagance in public work is true, it is due either to ignorance or to that lack of civic consciousness which stands in the way of a more extensive civic coöperation. The citizen who, in his greed to enrich himself regardless of method, robs the city, does not see that he is stealing from himself. He does not feel the unity that in fact exists among all the citizens of a city so far as their public interests are concerned.

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He is only half a man. He does not know that he has any public interests.

The question as to whether a city should perform its functions in all cases by its own officers and employees or by means of contracts with private individuals is a critical one in municipal circles. According to the strict theory of civic coöperation, contracts for the construction of public improvements might be considered as much out of place as contracts for the collection of taxes or the instruction of children. And yet in practice a broad distinction is made between services which are of a continuous nature, and work which can be done once for all. Thus the schools, the police patrol, fire protection, and even the street cleaning, are generally carried on directly by the public employees. On the other hand, as a rule, buildings and bridges are erected, pavements laid, and sewers built by contractors. This is on the same principle by which a private individual lets a contract for the building of his house, barn, or factory, but carries on his business himself.

In municipal affairs there are a number of services where the practice is not uniform. Most of the cities clean their own streets ; yet Philadelphia, San Francisco, Indianapolis, and a few others have their streets cleaned partly or wholly by contract. Garbage and ashes are collected and disposed of by the city directly and by contractors in about an equal number of cases, while the householders still more frequently themselves dispose of these

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wastes. Street sprinkling is also often done by private parties who make contracts with the property owners. In Grand Rapids the garbage contract gives a monopoly of the business of collecting unsanitary refuse to the contracting company under the terms of an ordinance fixing the maximum weekly charge which may be made for the service. This contract has recently been relet by the board of health, which regarded it as a franchise and advertised for bids. The contract was awarded to the highest bidder for a term of three and one-half years. The price paid is \$1200 per year. There is a strong public feeling that such services ought to be performed by the city itself free of cost, and that it is particularly offensive to the fundamental principles of municipal freedom to grant a monopoly to a private company, with prices high enough to permit of its paying a bonus into the city treasury. In Grand Rapids, however, the city burns the garbage free of charge, and the bonus paid by the company for its contract may be rightly considered as a contribution to the expenses of the garbage burner.

When we come to the question of making ordinary street improvements by direct employment of labor or by contract, it seems reasonable to say that every city ought to have in its employ a man fully able to direct this sort of work. Streets are being graded, paved, and repaired continually, sewers are being built and sidewalks constructed. There is no good reason why the city should be put to the

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extra cost of advertising for bids, supervision of construction, and contractors' profits in such cases. But when it comes to the building of a viaduct, the construction of a city hall, or the digging of a great water tunnel, there is reason for resorting to contractors whose regular business it is to undertake such work. It naturally follows that the larger the city and the more public improvements there are to be made every year, the greater is the proportion of the work that can be done to advantage by the city itself.

The contract system is one that is most annoying and that lends itself to extreme abuses. All the circumstances go to make its operation unsatisfactory. If the contractors have too much work on hand, their bids are extravagantly high. If they are eager for the work, they bid away down in the hope of securing the job and then saving themselves by an inferior grade of workmanship or materials, or by inducing the authorities to pay large sums for extras. If the conditions seem favorable, the contractors enter into collusion and prevent competition, or a favored contractor bribes the officials to accept his bid when it is too high. Too, when the city does its work by contract, it is difficult to protect properly the interests of citizens while the work is being done. Streets are needlessly blockaded, work is long delayed, and private frontages are more or less disfigured. The objections that lie to the direct employment of labor for all street work come from those who claim that all



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municipal work is more expensive than private work, and that an army of city employees lends itself to the building up of political machines. But where a city is corrupt, the contract system also lends itself to the perpetration of frauds and the cultivation of extravagance.

In an address before the League of American Municipalities at its Baltimore convention in 1903, Mr. James M. Head, of Nashville, Tennessee, gave his experience as mayor of that city in regard to *The Advantages of Municipal Construction over the Contract System*.<sup>1</sup> After referring to the almost universal provision of law or custom that contracts shall be let to "the lowest responsible bidder," a responsible bidder being "any one who can give bond for the faithful performance of his contract," Mr. Head divides bidders for public work into three classes: first, and least numerous, are the honest contractors, who bid on public work the same as they bid on private work, looking for a fair profit and the strict fulfilment of their obligations; second, there are the "adventurers," who bid haphazard, but low enough to secure the jobs, trusting to luck or to inefficient inspection to bring them safely through; and, third, there are the hoodlars, who get their contracts through political favoritism or inside information which enables them to underbid the honest contractors. The public officials are under practical constraint to

<sup>1</sup> The address is published in the *Bulletin* of the League for November, 1903, pp. 21-39.

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accept the lowest bid, and then the task of holding the dishonest or adventurous contractor to his bargain is an extremely difficult one. "To such an extent has this gone," says Mr. Head, "and so well understood is it that the honest contractor has little or no chance when it comes to bidding upon public work, that a man or firm which is known to be engaged in the business of securing public contracts soon comes to be looked upon as little short of a criminal, and his methods of doing business regarded with suspicion by all classes of business men. The contract system has done more to corrupt public officials and lower the standard of official integrity than any other one cause, save the granting of franchises to quasi-public corporations."

Mr. Head then gives the experience of Nashville in furnishing water, in public lighting, in street construction, and in the cleaning, sprinkling, and repair of streets, by direct employment of labor. In these departments a great saving is shown over the contract system in former years or in other cities. Statistics of real value are not easily obtainable to show the general comparative efficiency of the two systems. Perhaps Nashville's good results may be due to a provision in its charter forbidding the officials to employ or make contracts with any person related to them "within the sixth degree of consanguinity or affinity under the civil law."<sup>1</sup>

There is one case of municipal experience with

<sup>1</sup> *Charter*, Sec. 32.

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the direct employment of labor in this country that has done much to discredit the plan. That is the case of the Boston municipal printing plant which was established March 1, 1897. In February, 1902, Mr. Harvey S. Chase, a public accountant and auditor, made a special report to Mayor Collins of Boston, on the workings of this enterprise up to January 30, 1902, — that is, for a period of nearly five years. Mr. Chase found that on a total expenditure of \$755,298.31, the plant had lost \$40,128.83, including interest charges. The causes assigned for this loss are: the employment of too many men, the purchase of excessive stock, the payment of extravagant prices in some cases, and short hours. Mr. Chase says that the quality of the work was uniformly good. His conclusions in regard to the enterprise from a business standpoint are especially interesting. "It is evident," says he, "that the prospects of success for the municipal printing plant, viewed as a business operation, are discouraging. Here is an experiment in municipal control — a municipal industry — endowed with every advantage apparently: — ample capital, generous appropriations, plant in excellent physical condition, regular work of the same general character throughout the year, everything favorable for a successful enterprise which should do the city's printing better than by contract, and which should be able to pay as good or better wages while giving shorter hours to the employee. With all this the plant should be able to

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save money for the city through charges to the other departments which should be less than outside concerns could afford. This was the theory upon which the plant was established, and there was nothing unreasonable about the theory. The plant should have made just such a success in these past years, and it is a humiliating fact, if not a disgraceful one, that the financial result of these years has been so far below what could have been reasonably expected."

This Boston experience is unfortunate, just as Philadelphia's experience with municipal gas is. These cases bring out in strong light the fundamental weakness of American civic life, — namely, the absence of the right public spirit. This is a condition, however, which cannot be accepted as final unless we propose the abandonment of popular government. The thing to be done is not to abandon municipal enterprises which have fallen into extravagant hands, but to step in and put them on their feet. In other words, necessity points toward an extended field of civic coöperation. The difficulties in the way must not be accepted as permanent, but must be overcome by the development of civic conscience and administrative reform.<sup>1</sup>

A special problem that necessarily arises when a city becomes a great employer of labor, is the attitude to be taken by the government toward

<sup>1</sup> See *Municipal Affairs*, Vol. IV, No. 2, June, 1900, for a valuable article by Professor John R. Commons on "Municipal Employment and Progress."

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trade unionism among its own employees. Every public department has to be organized more or less on the military plan. Only the head officials may determine policies. Clerks and laborers must do their work under the control of their superiors. This practical necessity puts the city at once into the class of the employers of labor. In the work of a great department, like the New York street-cleaning department, there naturally arises more or less friction, and the workmen have grievances. When the late Colonel Waring was commissioner of street cleaning in New York, he organized in his department a system of conferences between representatives of the workmen and representatives of himself which proved to be exceedingly valuable in allaying ill-will and engendering good feeling among the men. Briefly his plan was to encourage the men to organize and join with the officials in hearing and passing upon grievances.<sup>1</sup>

The policy followed by Colonel Waring differentiates itself in a marked degree from the usual lines of policy pursued by city officials. Too often laborers are recognized as the menial adjuncts of political or personal machines, and hold their jobs not by reason of faithful performance of municipal work, but by reason of their delivery of votes to the party in power. This attitude of responsible public officials toward the city's laborers is utterly degrading both to the city and to the workmen. It is this spirit that stands most in the way of the improve-

<sup>1</sup> See Colonel Waring's *Street Cleaning and its Effects*, pp. 24-31.

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ment and expansion of the public service. Along another line, there is a frequent exhibition of a tendency on the part of the public authorities to "recognize" the trades unions and submit to their domination. In one of our cities, for example, the council grants concessions for the sale of refreshments in the principal public park. The contract with the concessionaire includes two provisos: first, that all buildings and booths erected in the park by the concessionaire shall be erected and maintained under the supervision of the park committee; second, that the concessionaire shall not sell any cigars that do not bear the "union label." The union men are ever ready to urge that all public printing carry the "label" and that unionism be recognized in all other possible ways by the city. Municipal recognition gives prestige. But the general solution of the problem of capital and labor lies outside the scope of municipal functions, and it is a clear perversion of democracy that officials elected by the whole people should make the city an instrument in furthering the special ends of one class. Neither among its own employees nor among the employees of its contractors should the city permit that species of trade unionism which represents warfare in the community. The government representing all the people abhors every monopoly not created by itself and brought under control for the public good. To recognize, encourage, or protect a plumbers' combine or a teamsters' union, striving to establish monopoly, is

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as much opposed to the spirit of coöperation as it is to submit to a contractors' ring or a combination among coal dealers.<sup>1</sup>

Throughout the preceding pages we have seen that with the growth of cities the conditions of life more and more conspire to make coöperation necessary through the expansion of city functions. What are the limits, if any, of municipal socialism? The full-fledged socialist will not be contented until the state owns and controls all the means of production. Whether or not state socialism be practicable or desirable has nothing to do directly with the expansion of municipal functions. Under any system of government—individualistic, paternalistic, or socialistic—the existence of cities creates certain special local necessities which under a democratic system can be met only by coöperation. The supply of universal utilities by means of fixtures in the streets is perhaps the most important of these local necessities. The distribution and possibly the production of the milk supply may in time become a necessary public function. This effect will be produced, if at all, by the fact that milk in its natural form is a common necessity of life, and is so perishable that it cannot be produced far from the place of consumption or delayed long in distribution. The establishment of parks, playgrounds, and other means of public amuse-

<sup>1</sup> For the attitude of the courts on this general question, see *Marshall and Bruce Company vs. City of Nashville*, a Tennessee case, 71 S. W. R. 815, decided January 24, 1903.

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ment and instruction is a local city function for the reason that these things are made necessary by urban conditions. In general it is to be expected that civic coöperation will be called upon to solve all those special problems of universal interest to urban dwellers which arise out of the peculiar conditions of city life. City government is the most emphatic protest of *local* interests against the organization of society without reference to place. Upon the effectiveness of this protest the life of democracy depends.

Professor Ely has suggested one strong point in favor of the extension of municipal functions by the ownership and operation of public utilities. This policy, he says, would help to establish a better balance between private and public interests.<sup>1</sup> This suggestion has great significance. If the theory advanced in this chapter, that government and industrial society are based upon radically different principles of social organization, is true, and the efficiency of government is measured by its resistance to the tendency of the organic principle to draw into its web that part of social activity which we may designate as public, then it becomes clear that the welfare of the people depends not upon the triumph of socialism on the one hand or organism on the other, but on the maintenance of a perpetual equilibrium between public and private interests. At the present time, we, in America, by common consent, are sick unto death with the

<sup>1</sup> See *Evolution of Industrial Society*, p. 237.



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money mania. Public spirit, civic conscience, are lamentably deficient. As things are, it does not *pay* a man to have public interests, and a man is considered a fool unless he works for pay. Civic coöperation, founded as it is on the *local sense*, taking account of the universal characteristics of men and pledged to the doctrine of equal opportunities, is the program that promises relief from the gross injustices of a one-sided civilization. The man who is not also a citizen is an outcast. He has no heaven. He is already in outer darkness. It is the sum of the shadows enveloping these men who are in no real sense citizens that makes the twilight in which the American city is now groping. What we must have at any cost is light, a civic conscience.

## CHAPTER VIII

### LOCAL CENTRES OF CIVIC LIFE

WE have thus far considered the main lines of civic functions as determined by the conditions of city life and the spirit of democracy. We must now take up the scarcely less important problems of governmental organization in order to see, if possible, how the city may adjust itself to its tasks, how democracy may set to work to accomplish its ends.

It is almost an axiom of political science as well as of political art that the strength of popular government depends upon the vitality of its local units. We never tire of referring to the New England town-meeting as the school of American democracy, and one of our most frequent laments is that the conditions of city life render the town-meeting impossible. The town-meeting method of government may have its drawbacks even under rural conditions. Certainly there are instances where the business of the township is conducted in a loose, extravagant, and, perhaps, dishonest manner. But the remedy lies right at hand, and unless the majority of the people in a neighborhood are corrupt or indifferent, there is no reason

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why township moneys should be wasted where the town-meeting system prevails.

Government, as we have already noted, is based upon locality. States, counties, townships, cities, school districts, are territorial divisions. A man cannot vote for presidential electors unless he lives not only in some state, but in some election precinct. The whole inhabited surface of the country is divided up into clearly defined districts for the purpose of securing an accurate registration of the popular will through elections. In this country a man can vote in only one place, and that the neighborhood of his residence. Moreover, our legislative bodies are generally elected by districts, and every representative, senator, or alderman must, as a rule, live in the district where he is chosen.

I refer to these well-known facts simply to show that popular government is, in its machinery, founded upon neighborhood unity and organization. This is a simple consequence of the doctrine that government should be participated in by all men without regard to their special characteristics, interests, or stations in life. A peace congress gathered from all parts of the world does not bring together so many kinds of men as a town-meeting. The American Economic Association, meeting in New Orleans or Washington, is a more homogeneous body than a well-attended primary in almost any ward of any city. Government is concerned with the universal side of humanity, and the popular will is expressed through a consensus of opinion

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of all kinds of people. Both logic and convenience make neighborhood the vital unit of political organization.

One of the main concerns of democracy is to protect and strengthen this unit of its organization against the inroads of organic society. The despair of reform movements in cities is the congestion of reformers at the centre. These movements are undemocratic. Tammany wins because it caters to the neighborhood and maintains strong local organizations. City life takes the leaven of culture and business ability out of the loaf and puts it into the upper crust. The appearance is good but the loaf is sodden. Fifth Avenue and Broadway appear clean and bright, but where the people live Tammany gets the votes. The growth of cities and the increased differentiation of citizens on the score of wealth make the neighborhood less truly a miniature of the state and more a class affair. But we still look to every locality for its quota of councillors, and if the best blood of the city is congested in one or two wards, we look to brawn to represent the other sections. Brawn grows into blood and brain, and the leaders of society are constantly rising from the ranks. Democracy loses time, to be sure, by reason of the leaders going over to the aristocratic wards as soon as they have proven themselves capable, but in the unending upward struggle of plain manhood new leaders are developed, and the world goes slowly on.

This process is sufficiently precarious and this

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progress sufficiently slow, so that it behooves democracy to resist these tendencies and spare this waste of leadership as far as possible. The destruction of the neighborhood runs counter to real social life and the development of general intelligence and political capacity. It is more pleasant, perhaps, for a man or a family to select associates from all the people of a city according to personal tastes and interests. It is perhaps convenient not to know your next-door neighbors, or, knowing them, not to cross their paths. It is attractive to many to belong to the fashionable "set" or a high-grade literary club. But real culture and power with men come from daily contact with those who are unlike. The lack of understanding that often separates classes in the community is due to the absence of neighborhood life to bring them together. Nothing needs the ceaseless discipline of the neighborhood so much as citizenship. It is only thus that we are kept from forgetting the fundamental equalities and universal necessities of human life. Specialization in work is a serious enough menace to citizenship, but specialization in social relations is more threatening.

One of the great drawbacks in the organization of the life of a great city as a unit is that there is room for few leaders, whose places can be attained only as a result of intense and costly rivalry. The leader is spoiled because he is submitted to too high pressure. He cannot grow as he leads. He has no time to grow. He can only hurry from one

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superficial relation to another. The fusing of ten neighborhoods into one puts upon ten men the leadership that a hundred ought to share. Every new project must seek the indorsement and coöperation of the same small group of men. They become too busy to be wise. The newspapers reach out through the whole city with their messages and advice, but they get in such a hurry to tell the news before it has happened that thought is sacrificed to action, and instead of being a safe guide to thought and a careful distributor of public information, the newspaper becomes a lightning chain of cheap sensations. And so in various ways congestion of life, centralization of interests, and the sapping of neighborhood vitality tend to unfit men for citizenship.

One of the most important ways in which centralization weakens popular government in cities is through the alienation of the home from civic interests. Next below the neighborhood the home is the normal local unit of society upon which government rests. Popular government cannot succeed without the coöperation of the home. Such coöperation can be fully secured only by putting those governmental functions in which the people may participate within easy reach of the home by the old-fashioned land route. As conditions now exist in most of our great cities, the home, the bulwark of our national life, stands in antagonism to the city.<sup>1</sup>

<sup>1</sup> See Professor L. S. Rowe's article on "The Social Consequences of City Growth," in the *Yale Review* for November, 1901.

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Most city men are away from their families all day at work. If they are to spend any time with their wives and children, they must do it evenings and Sundays. There is, consequently, a powerful motive at work to keep men from going down town on civic business after the evening meal. That involves a long walk or a street-car ride, and the loss of considerable time, so that in most cases the evening is wholly consumed by the trip. In order to get citizens generally to give personal attention to city affairs between elections, it will be necessary to let them meet near home, and to open the doors as widely as possible for the participation of women in civic business. This can be done only by means of strengthening the political neighborhood and establishing many centres of civic activity. Even without an extension of the suffrage to women, their interest and active coöperation in many phases of public endeavor could be secured. Thus the home would again be brought into alliance with the city, and itself be greatly strengthened by the *working together* of men and women for the furtherance of common ends.

Even in the most congested metropolis political administration has not altogether abandoned the neighborhood unit. It cannot. The conditions of political activity make the neighborhood unit necessary. We have already seen that elections are always conducted locally. The same is true of the public schools. Every large city is divided into districts, and all the children living within any

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one district are primarily expected to attend the school in that district. The schools are scattered everywhere over the city, so arranged as to reach the people in the most convenient manner possible. So also the fire-engine houses are distributed throughout the city in districts. Fire protection demands it. Generally also water-mains and sewers are laid more or less according to districts, and street improvements are paid for wholly or in part by the abutting property owners. Indeed, special assessment districts for street-improvement purposes make one of the very strongest factors in local civic life. All these local districts and local political activities resist the centralizing influences of the times and tend to keep the neighborhood alive. Still, one important localizing factor is lacking. There is needed the building in every district for local meetings to discuss public affairs and develop public sentiment.

The need of public social and political centres is being generally felt. The enemies of intemperance find to their dismay that the saloon has, to a considerable extent, assumed this public function, and immeasurably strengthened itself, not only by rendering a real social service, but by gaining in this way an extraordinary hold upon politics. In the great cities the saloon is often the social centre of the common people. Over the saloon are the young men's club rooms and the fraternal lodge rooms. Political clubs frequently have their headquarters in saloons, and it is a well-recognized fact



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that many of the most successful political bosses are or have been saloon-keepers. The reason for this is not in the attractiveness of their business, or in the depraved instincts of the average city voter. But the saloon has stuck to place. It is in an important sense a local centre. It has its life in the neighborhood. It reaches the people who have neither time, nor clothes, nor money for making frequent trips to the other end of town somewhere to seek the society of congenial spirits. The saloon *stays* on the corner, and the saloon-keeper, who has political ambitions, looks after the petty, everyday, near-at-home, universal interests of his neighbors and patrons. This is particularly true in the great cities like New York and Chicago. So strong has been the hold of the saloon upon politics that in many instances the people have thought it necessary to get laws passed, forbidding the holding of elections within a certain distance of saloons, and to require that the saloon be closed on election days. But the influence of the saloon as a local political centre cannot be altogether destroyed by repressive legislation. Some other local centre of social and political life must be developed. For under democracy neighborhood interests are bound to control to a considerable extent the votes of the masses of the people.

The church might, in some degree, become a centre of civic life; but it is not a universal institution, and is not well enough distributed to serve this purpose in a complete way. What is needed

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is an institution democratic in its nature, and so placed as to be within easy reach of *all* citizens in their homes. The public school is the one institution that meets this demand. Here are buildings placed conveniently in every section of every city, in which education, the main function of government under democracy, already centres. Here the children of rich and poor meet on common ground for a common purpose. In this institution, as a local centre, are gathered into one mesh some of the strongest public interests of the citizens. The school and the home are not against each other under any reasonably normal conditions. The teachers are reaching out to get in touch with the fathers and mothers to secure their support and coöperation. The school buildings and grounds represent an enormous investment of the public money. They are used for school purposes only a few hours each day, for about half of the days of the year. With a little readjustment and refitting, with lighting facilities made universal, and movable chairs provided, the school buildings might be thrown open to public use for parents' meetings, social gatherings, lectures, debating clubs, and civic assemblies. Men and women who are unwilling to go from one to several miles away from home to attend a public meeting would not hesitate so long about going a few blocks to meet their neighbors informally. This plan is being worked out to some extent already. New York and Chicago have free evening lectures in the school buildings. In some

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cities the school grounds are made into summer playgrounds, and the school buildings kept open for vacation schools. Even baths are being installed here and there for semi-public use. Everywhere the feeling is growing strong that the schools should be utilized as local civic centres, and this movement, if not too much controlled and prematurely urged along, promises better things than almost any other movement of the times. What democracy needs is local social organization entirely independent of saloon influences.

Our definite public policy often runs counter to the development of local organization. It is the general theory in this country that districts or wards having equal representation in legislative bodies should be kept as nearly equal in population as possible. As a result of the rapid growth of cities and the quick shifting of population, frequent changes in the arrangement of ward boundaries are made necessary under this theory. Yet the inertia of place organization often keeps old ward boundaries long after there are scandalously unequal populations represented equally in the city council. This tendency of local lines, even when artificially drawn, to persist in the face of inequalities and injustice, is only an illustration of the fundamental and lasting influence of local organization. It would seem that American cities would do well to adopt a somewhat different policy in the future, arranging ward boundaries as nearly as possible according to natural neighborhood lines,

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and then leaving them unchanged. Gross inequalities in representation could be corrected from time to time by fixing the number of aldermen to be elected from the several districts in accordance with population. Under such a policy it would be possible in the larger cities to have a municipal building in every ward or district, which would serve as a centre for the civic life of the neighborhood. This policy is followed out, though in an entirely inadequate way, in New York. The subdivisions of London, Paris, and Vienna are well-known examples of the division of European cities into quarters each of which has its local history and civic unity. For the subdivisions of a great city, separate municipal buildings in addition to the schools are feasible and may be necessary. In the smaller cities, however, the most economical and effective way to develop civic centres, and organize citizenship locally, is by a larger use of the school buildings and their extension, where necessary, by the addition of an assembly hall and gymnasium.

The ideal uses of the ward hall have been well set forth by Rev. B. A. Van Sluyters in a little pamphlet on *The Expansion of Municipal Functions*.<sup>1</sup> "In every ward building," says he, "I would have an assembly hall for free concerts, lectures, readings, political rallies, art exhibitions, etc. In this ward building should be a gymnasium

<sup>1</sup> Published by the Class in Applied Christianity of the Fountain Street Baptist Church of Grand Rapids, Michigan.

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with apparatus for the use of all the people ; there should be games of checkers, chess, dominoes, and other suitable means of amusement such as a billiard-table and a bowling-alley. Here I would have a reading room supplied with the best of the popular magazines and newspapers, American and foreign. There should also be a branch library. In this ward building should be bathing facilities. In connection with the ward hall should be a comfort station. If necessary, day nurseries could be established here so that mothers having to work could be sure of having their infants well guarded in these nurseries, rather than leave them as now to kindly but busy neighbors or thoughtless older children.

“ Many other good uses could be found for the ward building. It could be used for elections, ward meetings, and so on. And these ward buildings properly conducted should be open day and night, especially the library and reading room, bath room, and comfort station. They should be open on Sundays and legal holidays, when the people have the most leisure to make good use of them. If desired, they could be closed during church hours.

“ It is not to be supposed that these centres of public usefulness will spring into existence fully equipped. Gradually the means will increase, as the people learn to profit by them. First, perhaps, free lectures ; then the branch reading room and library ; then, if the demand continues, a gym-

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nasium and amusement room could be added, and bathing facilities for the public."

These suggestions may be regarded by conservative men as Utopian. The success of democracy is also Utopian. One thing is sure: civic centres other than saloons and dives are necessary for the political organization of the people and the effective expression of the constant popular control over government which is the only salvation of democracy. It is the absence of this that palsies the hand of the law and makes public officials so generally fall under the control, to a greater or less extent, of selfish and vicious interests. The success of free lectures in school buildings, of school baths, and of social gatherings gotten up by teachers for parents shows that the people are ready for better opportunities for local civic life in some directions at least. The enlargement and preparation of school grounds, wherever practicable, for small parks, would undoubtedly help along the movement for local civic centres. There is no good reason why the municipal authorities should strive to *compel* local organization of the people. It is only necessary to provide the opportunity and lend the movement such encouragement as is manifestly appropriate if our main contention in this chapter is correct.

Already, as I have pointed out, all elections are held locally, and in most cases members of legislative assemblies are chosen by districts. There is a considerable movement, however, toward the

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election of city councils at large, — that is, by the people of the whole city voting as a unit. This plan is in fact a concession to the theory that it is impossible to get good aldermen from the wards where foreigners or other less intelligent citizens form the majority of the voters. As a practical expedient for temporary results the general ticket plan of election may do very well, or indeed it may be all right as a permanent policy to elect a certain share of the aldermen at large, as is done in the cities of Ohio under the new municipal code. But in general the movement toward the general ticket plan should be resisted until extremely good reasons can be advanced in its favor. Its general tendency is away from democracy, popular responsibility, and local political vitality. If fair results are secured with a council or a board of education elected by wards, much more is really accomplished than would be accomplished with the same degree of administrative efficiency by an appointive board or a board elected at large. For in the former case the results include a constant process of popular education through participation locally in public affairs.

The law in Massachusetts provides for taking a vote every two years by towns on the saloon license question. Recently an act was submitted to the people of Boston giving local option by districts within the limits of the city. Unfortunately the people rejected the proposed law. This measure would have offered one admirable way in

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which to cultivate democracy and stimulate local political interest and solidarity. The government should take advantage of all conditions which make it possible to leave public questions to be settled locally. This is the "home rule" principle extended to wards or precincts. Considerable administrative simplicity and efficiency could well be sacrificed, if necessary, for the benefits to be derived from more intimate contact on the part of the people in their home districts with civic affairs.

President David Starr Jordan has well expressed the importance of definitely local citizenship. "The lack of permanence in our population," says he, "is the source of other evils. Migration diverts attention from local questions. A man who moves from place to place may be just as good an American — or sometimes better — as one who stays at home, but he is not so good a Californian, and he is not so useful a citizen in his relation to local affairs."<sup>1</sup> In the long run those who have permanent local interests will control local affairs. It is best, therefore, to furnish every opportunity possible for the intelligent organization of these local interests.

<sup>1</sup> See article in *Merchants' Association Review* of San Francisco, May, 1897, on "The Government of Cities."



## CHAPTER IX

### POPULAR RESPONSIBILITY

THE first great question in political organization after the development of local civic life is the question of the suffrage. Who shall vote in local affairs? It is the general American theory that in municipal affairs as elsewhere every male citizen over twenty-one years of age should be entitled to one vote only, to be cast in the voting precinct in which he resides.

In theory, municipal democracy is opposed to all political distinctions among citizens on the score of property. However, a taxpaying or landholding qualification for voting on the grant of franchises or the issue of bonds is not altogether un-American. Franchises and bonds are really mortgages upon the real estate of the city, and so long as we adhere to private ownership of land, there is considerable justice in the claim that only freeholders should be free to mortgage the land. So far as the voting of bonds is concerned, the restriction of the suffrage to taxpayers is not at all unknown in the United States. The recent home rule amendment of the Colorado constitution includes a provision that franchises in Denver can be granted only by vote of the taxpayers. In Western cities

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freehold qualifications for holding certain municipal offices is not uncommon. In Michigan only taxpayers can vote on school matters where the raising of money is directly involved. While democracy sets man above money, it does not altogether disregard the holding of property as an evidence of good citizenship and lasting interest in local affairs. Still this evidence is hardly sufficient to be made a qualification for suffrage. It ought rather to be taken into favorable consideration by the people in the choice of officers. Taxpayers are in little danger of oppression under democracy so long as they are willing to pay their tithes of personal service as well as taxes to the government.

Without discussing the incidence of taxation, we must recognize the fact that democracy will not admit, in cities, of a freehold qualification for general voting. Even if women were included, such a restriction would create an aristocracy. Less than 19 per cent of the families in Boston owned their homes in the census year 1900, and more than half of these had homes subject to mortgage. In New York City the home-owning families numbered less than one-eighth of the total, and in the boroughs of Manhattan and the Bronx less than one-sixteenth. Of the 11 cities with over 300,000 population each, only one, Cleveland, shows more than one-third of the families owning their homes, and of the 20 cities with more than 200,000 population not one shows 40 per cent

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of the families as home-owners. The whole 160 cities with a population of over 25,000 each show in the aggregate practically three-fourths of all families renters. The percentages are: hired homes, 74.3; owned homes free of debt, 14.5; mortgaged homes, 11.2.<sup>1</sup> These facts show how utterly undemocratic it would be to limit the suffrage to taxpayers while taxpaying is practically confined to freeholders. If taxes were levied against occupiers or householders in accordance with rental, then there would be more show of justice in such a limitation of the suffrage.

The English suffrage is, to a considerable extent, based upon the family as the lowest political unit. In America the adult individual is regarded as the unit upon which government is built. A young man living with his father has an equal right of suffrage with him. A woman living with her husband has an equal right with him so far as we have extended the suffrage to women at all. In a sense English suffrage is based more exactly on the relation of government to locality than ours. There the owner of property votes where the property is located, and, of course, the occupier votes where he occupies. With us no man can vote except in the precinct where he is at the time domiciled, no matter how little property he may have in that place or how much he may have elsewhere. According to our theory government is chiefly concerned with the rights of

<sup>1</sup> *Abstract of the Twelfth Census*, pp. 133-135.

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men without regard to property, but, of necessity, *with* regard to place. It is the place of a man's life and not of his possessions that determines for us where he shall be allowed to vote. So long as the suffrage is generally denied to women, it is logical and proper that every man who has a family should be required to vote in the locality of his home. It is true, however, that most city men live more away from home than at home, and if suffrage were extended to women so that the home would be represented locally, it would not be counter to the principles of democracy to permit persons engaged in regular business or working continuously at the same shop to vote where their work is. There would be some considerable advantage in this plan. As conditions now are in many large cities, notably New York, the wards or districts which are the centres of wealth and traffic are under the political control of the most ignorant and vicious classes. Vice seems to segregate itself, to a considerable extent, in or near the business district, and the intelligent and well-to-do men of affairs take their homes to the fashionable streets, or the suburbs, leaving the political control of the business section to the night population, which is, so to speak, the residual wreckage left after the daily ebb of the tide of humanity that surges through the heart of every large city while the sun shines. The disadvantage arising from the tendency of the best-fitted to flock by themselves in the aristocratic wards would be largely obviated by

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giving every man the right to vote and be voted for in the place where his business is.

This brings us to the question of woman suffrage. As a general proposition it may be said that women have no right to vote in America except on school matters. The possession of property, the payment of taxes, the conduct of business, the headship of a household, — these things do not carry with them the suffrage right. Age, male sex, residence, and citizenship are the qualifications that count. There are some exceptions to this rule. Four of the Rocky Mountain states give full suffrage to women, and Kansas gives full suffrage in municipal elections. Women are often given the school suffrage alone. All together there are twenty-six states in which women have full or partial suffrage.<sup>1</sup>

The opponents of woman suffrage sometimes point to the fact that often only a small percentage of the women vote where they have the right. In Boston, where women have an equal right with men to vote for members of the School Committee, only 18,445 were registered in 1902, as against 111,817 registered men.<sup>2</sup> That is to say, one woman qualified herself for voting to every six men who did the same. In 1895 less than one-tenth as many women as men, in proportion to the number qualified to vote, registered in the state of Massa-

<sup>1</sup> See *Woman and the Law*, by George James Bayles, p. 246.

<sup>2</sup> See the *Monthly Bulletin* of the Boston Statistics Department, November, 1902.

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chusetts, and only a little over half of these voted even on the question of extending municipal suffrage to women. For the period of ten years, 1892 to 1901, on the average 74.21 per cent of the registered women of Boston voted.<sup>1</sup> This was about 3 per cent less than the average for the men. It is often observed that women vote with less regularity than men, turning out to the polls in large numbers only when some special issue of great interest to the home is at stake. Thus, in 1887, only 725 women voted in Boston, while in 1899 there were 19,490 ballots cast by women. Naturally, we should expect that women, being to a great extent devoid of political affiliations and party traditions, would be independent voters so far as partisan questions are concerned, — at least until woman suffrage becomes general and habitual. It is also to be expected that women will be more easily swayed by the character of candidates, and vote more for individuals than men do.

Our present American concept of democracy does not necessarily include the participation of women in government. Still it seems clear that the extension of full suffrage to women on an equality with men is a logical outgrowth of democratic tendencies, and is more than likely to be tried as a part of the democratic experiment.

In a country where free public schools are furnished for all the children, illiteracy of adults is

<sup>1</sup> *Monthly Bulletin* of the Boston Statistics Department, October, 1901.

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abnormal and may reasonably be made a bar to the suffrage. The percentage of persons over ten years of age who are unable to read and write is 3.87 in Chicago, 4.39 in Philadelphia, 4.43 in St. Louis, 5.13 in Boston, 7.16 in Baltimore, and 8.25 in old New York. For the whole United States the percentage is 10.65, though in most northern states illiteracy is less in the great cities than in the states at large. More than two-thirds of all illiteracy is found among the negroes and the foreign-born.<sup>1</sup> The effort now being made by many Southern states to disfranchise the negro is inconsistent with democracy. The educational test is too severe, and no educational test at all is allowable unless the state gives universal opportunities of education to its citizens. The clauses granting the suffrage to illiterate white men because their grandfathers had the right to vote, is a rank violation of the spirit of American freedom. This does not affect many large cities at the present time, New Orleans being the principal one. But the colored vote is a considerable factor in the politics of many cities outside the belt of southern states where the negro is being put under the ban. In advocating municipal suffrage based upon adult manhood and womanhood, we do not condemn any restrictions which are calculated to limit the suffrage to normal persons under conditions of freedom favorable to universal self-development.

There is one limitation upon the suffrage which

<sup>1</sup> See *Abstract of the Twelfth Census*, pp. 16, 17, 115-117.

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is often considered and has many advocates among practical citizens, which, nevertheless, has never been tried to any extent in the United States. This is compulsory voting. The objection to woman suffrage on the score of non-usage could be met by a provision abrogating every person's right to vote for a period of years after a failure to exercise that right, unless the failure could be reasonably excused. This would offer a practical means for urging citizens to the performance of their primary civic duties and for weeding out of the electoral lists the great body of citizens who respond fitfully and passionately to personal or occasional appeals rather than deliberately and intelligently to the regular demands of citizenship. In working out a plan for compulsory voting, it might not be inadvisable to impose a fine in case of failure to exercise the suffrage as an alternative to loss of the franchise. This, however, is a matter of detail that would have to be worked out by experience.

A radically different proposition, which would in effect be a curtailment of the suffrage, is the suggestion sometimes made that various interests be given representation on city councils and administrative boards. This plan would constitute an adjustment of government to organic society. If fully carried out, it would subvert the foundations of democracy and establish a sort of government by guilds. In principle it recognizes special classes of citizens with special interests. The phy-



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sicians, for example, would be permitted, through their voluntary organization, to choose one or more representatives to share in the city government. The lawyers would do the same. The boards of trade would do likewise, and organized labor would have its representation also. In some respects this is an attractive proposition, as it would guarantee active interest on the part of these citizen bodies in municipal affairs, and would enlist in the service of various municipal departments special knowledge and experience. But so far as it applies to representation in the city council or law-making authority, it is too radically opposed to the principles of equal political rights for all normal adult citizens to be seriously considered in America. As far as administrative boards are concerned, not chosen by popular vote, and given only advisory authority in matters of municipal policy, the representation of special interests deserves consideration. This idea has been partially carried out in the New York City Municipal Art Commission, of which some of the members are appointed from a list of names furnished by the Fine Arts Federation. This plan might perhaps be well applied to boards of fire commissioners and boards of health, giving representation to the fire and life insurance companies. Sinking fund commissions might have members representing the bankers of the city. But the list is soon run through where such a scheme could be appropriately applied. In general it should be left to the appointing authority

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in the city government to choose for the administrative departments and boards such citizens as are deemed fittest for the work, without recognizing the right of any private organization to dictate or make municipal appointments.

Having considered the fundamental basis of popular political responsibility, — namely, the suffrage, its extensions and limitations, — we are brought face to face with one of the most serious of all our municipal problems; that is to say, the mode of organization by which the qualified electors are to make their will effective in the choice of municipal officers, and the determination of municipal policies. According to the general habits of American municipal life, the people divide into parties in accordance with principles or prejudices having to do with national affairs. The national political parties, differing as they do with reference to questions of finance, revenue, class legislation, national expansion, and so forth, maintain their cohesion by careful local organization. Recognizing the fundamental fact that government is based on place, they maintain their party organization in every district, city, and ward, ceaselessly struggling for local offices in order to gain prestige and patronage to help them in state and national elections. It is to be feared that the spoils of office, which often represent various forms of public plunder and governmental favoritism, furnish the greatest power of cohesion that the political parties have, year in and year out.

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Strange to say, it has occurred to many men in recent years, that municipal interests are of sufficient importance to be determined on their own merits and without reference to national issues. It is the foremost plank in almost all municipal reform association platforms that municipal affairs should be entirely separated from state and national politics. Many efforts have been and are still being made to put into practical operation this apparently simple principle, but generally with only moderate success.

Cambridge, Massachusetts, is the most notable example among American cities where the citizens have forsworn their party affiliations in local affairs and continuously for a long period of years chosen their city officials solely on personal merit and local issues. Says Mr. F. W. Dallinger: "In the city of Cambridge, Massachusetts, since 1867, with the exception of three years, nominations for municipal offices have been made entirely without reference to national politics. In each of the three exceptional years, the candidate receiving a straight party nomination obtained a non-partisan nomination in addition. Caucuses for the nomination of candidates for municipal office have been sometimes called by a self-constituted committee of citizens, but more commonly by the chairman and secretary of the previous year's municipal convention of some one of the local parties. The fact that Cambridge, for the past twenty-seven years, has enjoyed a non-partisan municipal government,

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and is to-day, by impartial observers, considered the best-governed city of its size in the United States, affords a fair test of the wisdom and effectiveness of the absolute separation of national and state politics from the conduct of municipal affairs, as a remedy for the evils at present complained of in our large cities." <sup>1</sup>

New York City has struggled for non-partisanship, but even when Tammany has been overthrown, the reform government has been compelled to compromise more or less with party organizations, and apportion a part of the offices in the way of rewards for party support. The fact is, the political habits of the people are so strong and the spoils of municipal office are so rich that it is extremely difficult to put the non-partisan program into successful operation. In the nature of things the people must organize in some way to express their will, and the only quarrel that we have with the domination of local affairs by national parties is that they thwart the expression of the public will on civic questions. When we want to know how the people stand on the franchise question or Sunday closing of saloons, it is absurd to take a vote on the tariff or Filipino independence. To a certain extent the political parties do often adjust themselves to local issues, and the growing power of the independent voter is compelling them to do so more and more. Yet the results are unsatisfac-

<sup>1</sup> *Nominations for Elective Office in the United States*, p. 207, published in 1897.

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tory at best, and there remains no good reason for a Democratic and a Republican party on municipal questions.

It is sometimes suggested that municipal parties should be built up to control local affairs, something as in London the people have organized into Moderates and Progressives. To a considerable extent Tammany Hall and the Citizens' Union in New York are such parties, the one based on the principle of city government for "graft," and the other on city government for civic self-help. It is rather astonishing to find local parties in the metropolis of America divided on such a question with the actual preference of the majority of the people on a full vote and clear issue a matter of grave doubt. It shows in what a primitive and provisional condition American municipal democracy still finds itself. The great difficulty with local parties in the United States is that conditions of city life do not offer the opportunity for opposing parties to develop upon local issues, except those like the franchise question and the saloon question, which are hopelessly entangled in state politics through the customary interference of the state legislature in municipal charter-making and police legislation. In fact the state legislature, which at the same time elects United States senators and regulates the destinies of cities and villages, is the powerful link that chains the cities to the chariot of national politics. Without municipal home rule, it is practically impossible to establish local parties which

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can maintain themselves strictly independent of national questions.

There are many who believe that the exclusion of the political parties from local affairs is practically impossible even though theoretically desirable. Some maintain that it is not theoretically desirable even. These classes of people do not tire of asserting that attendance upon the party caucus or primary is the only and all-sufficient remedy for existing evils. They are apt to favor primary reform and direct nominations as a means to the purification of politics and the election of good men to office. Primary reform has made notable progress within the past few years, and is undoubtedly efficacious in redeeming the parties from the control of unpopular machines. The primary reform laws in various states and cities differ widely in the emphasis laid upon party fealty. The Kentucky law requires the voter who would participate in the primary to register himself as a Republican, a Democrat, or other kind of partisan at the regular registration time. The Minneapolis law as first enacted provided for a blanket ballot, and every voter was permitted to participate in the primary, voting on any party ticket he chose without declaring his political allegiance. The law in Grand Rapids compels the voter to declare his political party preliminary to receiving the separate ballot of that party. If challenged, he must take oath that he is in general accord with the party and expects to support its candidates at

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the coming election. An independent voter who is strictly conscientious is debarred by those requirements from all participation in the primary. On the accepted theory of party organization, this exclusion of the independent voter is just and appropriate. Why should people who do not belong to the party help nominate party candidates? Nevertheless there is a great difference of opinion among the friends of primary reform as to whether the separate ballot and the open declaration of party affiliation should be the rule, or the blanket ballot with the simple requirement that no voter shall vote for the nomination of candidates on more than one party ticket. The trend of sentiment among party men is toward the former, principally for the reason that the blanket ballot offers the opportunity for members of one party, in which there are no sharp contests, to help nominate the candidates of the other party. It is claimed that Dr. Ames secured the Republican nomination for Mayor in Minneapolis in this way by the help of his Democratic followers. It was this experience which led to the adoption of the separate ballot system when primary reform was made general in Minnesota.

The principal objections to direct nominations from the standpoint of the party man who is also a reformer are these. First, the candidates have to thrust themselves forward and conduct an expensive campaign for nomination and a second one for election. The dignity of the offices is

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abridged by the scramble for them, and the careless voters who respond to the persuasion of a keg of beer are as corrupt as the convention delegates who are "lined up" for certain candidates at so much a head. Then, through division of voters, men who do not fairly represent the dignity and principles of the party are likely to be nominated by plurality. Furthermore, under the system of direct nominations, where important offices are at stake, candidates are tempted to subsidize the press and thus corruptly influence the voters through their principal means of receiving political intelligence and information about candidates. There is more or less validity in these objections to direct nominations, but the cure for the evils suggested is in an alert public conscience and a keen interest in nominations. No system can work well without these, and the only valid claim of primary reform is that it provides machinery suited to give easy expression to these forces where they exist.

The Grand Rapids law provides that every candidate shall not only announce himself but pay a fee before having his name printed on the primary ballot. This fee amounts to \$15 for the principal city offices. These provisions are founded on a crude notion of political rights that has developed out of spoils politics. It is assumed that in all cases the man seeks the office, and that every man has a right to run for nomination. In order to keep persons from running who have no reasonable chance of nomination, the payment of the fee



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is required to make a candidate think twice before announcing himself. This perversion of democratic principles and degradation of public office-holding is a sad commentary on the condition of American politics. Democracy knows nothing of the right of every man to run for office. It knows nothing of his right to choose himself, but only of his right to be chosen by his fellow-citizens to any position of public service for which they think him fitted. The requirement of a fee operates to discourage poor men from becoming candidates and also to keep down small parties which have no immediate chance of electing their nominees.

These features of primary reform not only do not point to municipal betterment, but are directly antagonistic to the best principles of civic life. They tend to strengthen party cohesion and exalt the ideals of spoils politics. The remedy lies in the adoption of the principle of free nominations by petition, the doing away altogether with party primaries for municipal offices, and the printing of the names of all candidates upon a single ballot without any party designation whatever. This plan has been recommended by the National Municipal League in its carefully worked out program.<sup>1</sup> It has not been very extensively tried in this country, but is the regular method of making municipal nominations in Great Britain, except that there the names are not all printed on one ballot. An interesting advance in this line was

<sup>1</sup> *A Municipal Program*, p. 176.

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made in Grand Rapids in 1903, when the new Public Library Commission was established. Five commissioners were chosen from twenty-one candidates, all of whom had been nominated by petition of twenty-five citizens. In spite of the large number of candidates, the plan worked very satisfactorily and a good commission was chosen. Even better results might, perhaps, have been obtained if the electors had turned out uniformly all over the city. As it was, an abnormally heavy vote was cast in some of the wards where there were sharp contests for school trustee.

The requirement of a nominating petition does away with the necessity for a candidate's fee and puts the emphasis upon the idea that the office should seek the man rather than the man seek the office. It solves the problem of nominations for municipal offices perfectly without the costly machinery of party primaries. It does not exclude party nominations if the parties have sufficient cohesion to hold together and support their candidates on the blanket ballot without the help of the party name. As a matter of fact many English municipal elections are fought out on national party lines, but the ordinary American politician knows perfectly well that the strength of his candidates before the people depends very largely upon their names being tagged with the party name and emblem. Free nominations by petition with all the names printed together in alphabetical order on one ballot without any

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party designation would practically destroy the objectionable influence of party politics on municipal affairs as far as elections are concerned.

There might still remain this difficulty, namely, how are public policies to be crystallized and receive popular approval except through party organizations? To meet this difficulty, if such it is, we need only to introduce the referendum, allowing the elected officials to formulate municipal policies and submit the most important ones to the people for their approval. In this way temporary civic organizations would spring up from time to time to influence the people to vote one way or the other on particular issues. In each case the people would be able to express themselves squarely without voting on the tariff. Indeed, a man could be in favor of municipal ownership without giving his vote for a "wide-open town," and the unfortunate alliance that now too often exists between the corporation fighters and the free-and-easy-morals people could be broken up. As things now are, the corporate interests ally themselves with party organizations, and an independent leader who is struggling to bring the franchise-holders under municipal control finds it easiest to get the funds necessary for maintaining a long, hard political fight by catering for the support of the criminal and vicious classes. Thus, personal morality and respectability get divorced from the cause of civic rights and the enforcement of responsibility upon wealth.

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The division is fatally confusing and only the corrupt interests of the vicious on the one side and the franchise-grabbers on the other reap any advantage from it.<sup>1</sup>

A great many men in this country, politicians and others, practically admit that democracy has in many respects proven a failure. This is especially true when municipal government is under consideration. Very different reasons for this unfortunate condition are assigned by different men. One class, notably business men who have devoted their lives to the accumulation of wealth, and are dissatisfied with political conditions because they find a great deal of worriment in holding on to their property, ascribe the alleged failure of democracy in this country to the ignorance and shiftlessness of the fourth estate. These men do not believe in manhood suffrage. Many of them favor a property qualification for voters, and many see the cause of our ills in the foreign vote. At the same time they recognize the practical hopelessness of any movement toward a substantial limitation of the suffrage. The consequence is that they favor a strict limitation of the functions of

<sup>1</sup> This organization of civic interests at cross purposes has been well illustrated within the last few years by the experience of Chicago, Detroit, Cleveland, and Toledo. In New York and Philadelphia, however, corporate interests are allied with the friends of vice and the advocates of municipal laxity. In these latter cities a decent citizen knows how to vote. The results would seem to indicate that a division of the forces of evil is a good thing. Certainly this is so where the really good citizens are in the minority.

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government and want the actual control of public affairs removed as far as possible from the people. They believe that their interests—and they identify the public interests with their own—can be best protected from the populace by a roundabout political system, a series of checks and balances, of powers granted in one section and withdrawn or curtailed in another. In short, the working ideal of this class of men, so far as they interest themselves in politics, is a political system in which the popular will must pursue the most devious and difficult paths to secure effective expression. Thus, even if the people do not weary in their efforts on account of the legal difficulties to be overcome in bringing about their desires, it is still generally possible to thwart them by a concentration of the power of wealth on certain strategic points in the governmental machine. Democracy is a failure, these men would say, but we cannot get rid of universal suffrage; therefore, let us so construct the political machine that votes will not count.

Men of another class admit that democracy has failed to a lamentable extent, but argue that the cause of this failure does not lie primarily in the ignorance or lack of thrift of the voters, but rather in the very machinery of government which has been devised, to a great extent, so as to thwart the effective expression of the popular will. These men say that what we need is not less democracy, but more. They generally claim that property is

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for man and not man for property, that in the long run it is futile to attempt to protect vested interests *from* the people; they must be protected, if at all, *by* them. These men generally admit that the people may often be wrong, and certainly that they may be confused and blundering in their political action. But, they argue, what of it? The people can only learn by doing, and without question the moral strength and the practical intelligence of the masses will be immeasurably increased by the *bona fide* exercise of political functions. In the long run the people can be trusted to promote the general welfare. We are all men together, anyway, and under the conditions of modern life, especially in the great cities, it is impossible to isolate individual welfare. Conditions of life, say men of this class, are rapidly coming to the point where there is no such thing, strictly speaking, as private welfare, or private property. We have democracy in outward form, and we have reached a stage in human progress where the very worthfulness of life itself is bound up with democracy's success. To try to make universal suffrage a farce by making it difficult for the popular will to express itself or by putting the thumb-screw of private interests upon the chosen agents of the people is socially suicidal.

The initiative and the referendum have their sanction in the same conditions that make direct nominations and free nominations desirable. It is not to be contended that the whole mass of the

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people can pass more intelligently upon most legislative questions than a body of representatives chosen fairly from all localities by popular vote. Often the people cannot pass as intelligently on public questions as such a body. There are, to be sure, certain broad issues affecting the common life, such as prohibition and some forms of taxation, where laws, to be enforced, must have the general support of public opinion, and such issues may appropriately be submitted to vote of the whole people under any conditions. But conditions at the present time are such that many other questions must be brought within the purview of the people if popular government is not to prove a fiasco. With the power of wealth so much concentrated, especially under corporate control, where the ordinary rules of personal ethics do not seem to hold good, it is practically impossible to select an average lot of representatives who will not be brought under control by the *unpopular* influences focussed upon them. The government, whether in nation, state, or city, must nominally at least assert its authority over large enterprises, especially such as are of a semi-public nature. These enterprises are prone to protect their private interests against the encroachments of the government when it is looking after public interests. If the legislators cannot be bought in the vulgar way, at least they can be argued over by the superior wit and knowledge of lobbyists. Most questions are complex, and most of the highest-trained men in the community

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stand ready to beat the devil around the bush for a pot of gold, so that the representative system breaks down in the face of present conditions. The people are much of the time betrayed, either consciously or unconsciously, and we get corporation government instead of popular government. On the other hand, the gravest objections to direct legislation by the people have disappeared with the settlement of the country, the growth of the press, and the marvellous development in facilities for transportation and the transmission of news. Now the people can formulate their judgment quickly and on many issues.

A curious compromise law was passed in Illinois a few years ago, authorizing the submission of questions to the people for an expression of opinion. The aim of this law evidently was to provide a means whereby legislative bodies could satisfy themselves as to the trend of public opinion without being actually bound to follow it. Even such a law seems to have been efficacious in diminishing corporate power over government. One of the first questions submitted to the people of Chicago under this act was the advisability of municipal ownership of the street-car lines. The majority in favor of municipal ownership was enormous, and since then Chicago has secured from the legislature an enabling act by which municipal ownership has become possible. Even under the stress of existing conditions, representatives cannot easily hold out against the desires of their constituents



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when definitely expressed at the ballot-box. The popularity of direct legislation is shown by the fact that the people of Illinois voted five to one in favor of it under the advisory referendum.

The referendum has been made use of by the Massachusetts legislature with considerable freedom in recent years. New city charters and important charter amendments are commonly made conditional upon popular approval in the cities of that state. Boston voted on eight propositions in the ten years, 1890 to 1899, and on the average about 60 per cent of the registered voters have expressed themselves on these questions.<sup>1</sup>

San Francisco, Los Angeles, Denver, and Portland, Oregon, have all adopted both the referendum and the initiative in municipal affairs. Oregon and South Dakota have adopted these reforms in state affairs, and the movement seems to be gaining great headway in other states. The initiative is only another step beyond the referendum in making the government responsible to the people. It gives fluidity to political forces. Any considerable group of men who are sufficiently interested in any species of legislation can call for a yea and nay vote of the people on it. The roll-call is rather expensive, but experience shows that it is not often required. The representative system works better where the people hold the string rather than let organized wealth get hold of it.

<sup>1</sup> *Monthly Bulletin* of the Statistics Department, December, 1900.

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The principal advantages of direct legislation are these : —

*First.* It gives the people's representatives an opportunity to measure accurately public opinion on important questions. "In a country like ours, permeated with the democratic spirit," says Mr. Horace E. Deming, "the problem of securing honest, progressive, efficient government is at bottom essentially the same whether considered as a national question or as one relating to a single city like Columbus or Philadelphia. In both cases the first requisite is that the government shall be the product of and conform to the will of the governed when that will is deliberately expressed ; shall be evolved from and responsible to the people it governs, not imposed by some outside authority. No other government can be good government according to the American democratic ideal, and the struggle to attain the realization of that ideal is the most potent and most permanent factor in our political development."<sup>1</sup>

*Second.* It provides a check upon the power of organized wealth to control legislation in its own interest.

*Third.* It gives an opportunity for progressive legislation upon the initiative of those who have studied any public question enough to have formulated a definite program in regard to it.

*Fourth.* It gives the people the opportunity to

<sup>1</sup> *Publications of the National Municipal League*, Pamphlet No. 7, p. 7.

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express their will on definite issues without reference to parties or individuals.

*Fifth.* It furnishes a powerful incentive to popular education in citizenship by compelling the people to formulate and register their opinions on public questions. In this way, and perhaps in this way only, can the rank and file of the electors be trained in the political self-control and intelligent coöperation necessary for the realization of the main purposes of democracy.

It is often said that men are too busy to attend to their civic duties. This allegation is for the most part beside the mark. The trouble is that on account of our awkward political machinery a citizen cannot register his public opinion effectively without giving his whole time to it. Political interests touch him daily in his work and play, but he is cut off from responding to them on the spot. The electrical circuit is incomplete. The return current from the citizen is through the ground, and the lightning of the public will creeps feebly back, doing damage by electrolysis and wasting its strength before getting to its destination.

All the arguments in favor of direct legislation as a democratic method apply with particular force to cities. There local questions are distinct and affect the whole population intimately. The narrow space covered and the excellent facilities for public discussion through the press and otherwise make it comparatively easy for citizens to form intelligent judgments quickly on the issues pending.

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There is one further development of the machinery for the popular control of government which is sometimes advocated. I refer to what is known as the recall. The charter drafted by the first charter commission of Denver and rejected by the people, contained a provision to the effect that on petition of 30 per cent of the electors any elected official could be made to stand for reelection at any time during his term of office. The regular term of office was fixed at four years. In Los Angeles, the recall was incorporated into the city charter by an amendment in 1903. The petitions to put it into practical operation must be signed by 25 per cent of the voters. Terms of office in Los Angeles are two years.

The recall is intended to keep elected officials in line with public sentiment by requiring them to procure a vote of confidence from the people on evidence being presented that a sufficient number of the citizens are dissatisfied. Direct legislation furnishes a means for popular control of legislative policies. The recall would give the people power over administrative policies so that the enforcement of laws could be compelled whenever public sentiment favored law enforcement. American cities are now troubled with political hypocrisy which is shielded by the fact that one set of authorities makes the laws and another administers them, neither set being subject to adequate popular control whenever money rather than honor is the leading official motive. Direct legislation and the

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recall would bring law-making and law-enforcement under the immediate control of the same body, the people. This would bring about greater harmony in government and would certainly tend to destroy the hypocrisy that makes our city government so often a byword.

Another line of reform that is often urged is minority or proportional representation. This proposal is based on a recognition of the permanence of the party system or of class interests. However valuable it may prove in national or state politics, its application to municipal government is quite unnecessary, with the reforms already suggested. The plan usually involves election by general ticket, which runs counter to the development of local political centres as here advocated. The representation of the minority presupposes party differences, whereas it is our contention that municipal elections should take place without divisions along national party lines. Election by districts, the initiative, the referendum, and the recall would obviate any possible necessity of special provision for the representation of minorities on local issues. Proportional representation would apply where there are several parties with considerable strength, and in municipal affairs would most naturally lead to the representation of special interests, which we have already discussed and dismissed as undemocratic.

The whole democratic theory of popular responsibility calls for fluidity in the organization of the

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government, so that the popular will shall be most readily and effectively translated into the public will. This applies particularly to nominations and elections, and the determination of policies. The machinery of government and, in particular, that part of it through which the popular will is crystallized and expressed, needs to be perfected. The "machine" in politics, as it now exists, is a more or less private affair which does not furnish a means for the free expression of the people's will. The boss, our uncrowned king, is the man who manipulates the machine. There is nothing objectionable in the paramount influence of certain individuals, so long as they are the normally chosen leaders of the people, and can hold their power only while the people will it.<sup>1</sup>

In fact what we need more than anything else in politics is the freeing of the individual, so that any citizen or group of citizens shall be able to take their purposes before the people and get a definite expression of the popular will on any subject that appeals to the people's interests. For this reason, the percentage of voters required on the initiative and referendum petitions should not be high. Ten per cent is enough in large cities. The freeing of the individual would encourage those who are specially qualified along particular lines to associate themselves with the municipal departments in

<sup>1</sup> See Professor Goodnow's chapters on "The Boss" and "Responsibility of Parties and Party Leaders," in *Politics and Administration*, pp. 168-254.

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voluntary committees to give the public the benefit of their knowledge and interest. As things now are in most American cities little or no effort is made to secure the voluntary coöperation of citizens with the city government in this way.

It seems hardly necessary to add at the close of this chapter that all the means suggested for securing the better political organization of the people would be futile without a carefully protected ballot. Absolute honesty in the conduct of elections is a matter of primary importance, and the election officer who commits fraud, the citizen who corruptly bargains away his vote, and all those who strive to thwart the honest expression of the people's will should be dealt with unsparingly by the law and the public prosecutors. The grosser forms of election frauds have become comparatively rare in New York City in recent years. Baltimore has cleaned itself up to a considerable extent. But Philadelphia still wallows in the slough of electoral corruption. It is not believed, however, that election frauds on a large scale take place any more in most of our cities. The corruption of the electorate now common is accomplished by promises of position, by the distribution of cigars and beer, by appeals to personal or party prejudices, and by other means which operate chiefly outside of the polling place.

"The people are responsible" for the character of their government, but this responsibility is more theoretical than actual where no adequate methods

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are devised for their making response. The purpose of the changes in our form of government suggested in this chapter is to enable the people to respond, so that the government will truly reflect their will and furnish an accurate measure of the progress or decay of the political capacity of nation, state, or city.



## CHAPTER X

### OFFICIAL RESPONSIBILITY

THERE is no consistent theory of official responsibility in American cities, and consequently we find every type of municipal organization in various degrees and combinations, so that, viewed as a whole, our city government is a chaos of forms. We have a half-hearted theory that the separation of legislative and executive powers, which is a marked characteristic of our state and national governments, should be carried out in local government also, and in a general way this is done, though subject to countless limitations and exceptions. We also think that the chief executive of the city should be elected by the people. This rule is universal with us outside of the city of Washington, except when Mr. Quay suspends popular government in Pennsylvania for a season. We also have everywhere, except in Washington city, a municipal legislative assembly variously called the common council, the city council, councils, the board of aldermen, the board of supervisors, the municipal assembly, etc., and having at least a nucleus of ordinance-making powers.

We are toying with the theory that official responsibility should be concentrated in the hands of

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one man elected by the people for a comparatively short term of office. But the real desideratum of municipal organization is the definition rather than the concentration of responsibility. The citizens should be able to find with ease which one of their official servants is responsible for the performance of any particular function of government, and get at him if he fails to do his duty. We want to be able to tell who is neglecting what, and bring pressure to bear upon him to compel him to carry out the will of the people. We want also so to distribute official duties that we shall get the best possible results when the average character of the men likely to hold office is taken into account. This is extremely important, for it is no more possible to get an adequate response from heaping responsibility upon an ignorant or weak man than it is to store a pail of water in a teaspoon. The responsibility will slop over if the man is not big enough. It is a great mistake to think that there are plenty of men in any city who are capable of taking up the executive and administrative work of the city, and carrying it on successfully if only they are given full authority. We have few trained mayors in the United States, and mere business experience often proves almost worthless in a great political office.

The "council system" may be regarded, the whole world considered, as the norm of municipal organization under popular government, and all other systems as modifications of it. The council

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system is found in its purest form in the cities of Great Britain. There practically the whole corporate power of the city is in the hands of a body of men chosen by the electors, except that those so elected may add one-third to their own number by their own choice. The council elects a mayor who is titular head of the city government, but continues to be a member of the council, with only the ordinary powers of a councillor. The council elects committees of its own number, each of which has charge of a special department of the city government subject to the approval and control of the whole council. All executive officers are appointed by the council. All municipal projects that come within the scope of the city's powers are worked out by the council and determined upon by it. Every municipal enterprise is carried out by the council's servants under its supervision. Each member of the council is responsible to his constituents for the part he takes in official proceedings, but this responsibility can be enforced only at the end of his term if he stands for reelection, and by the pressure of public opinion through the ordinary channels of social intercourse at other times. The council may be elected either on general ticket or by districts with one or more representatives each, the latter being the general practice in towns and cities of any considerable size.

Even in England the council system has been subjected to certain moderate limitations. Education, not being considered strictly a municipal func-

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tion, has only recently been brought within the scope of the city council. Poor relief still remains under local boards independent of the town councils. The auditing officers of the corporation are elected by the people, and the people decide as to whether the city shall adopt certain optional legislation, such as the free libraries act.

In the United States the council system has been modified in so many ways as to be hardly recognizable. The first great modification of it is in the separation of executive and administrative functions from the scope of the council and in placing them in the hands of officers independently responsible to the people. The election of the mayor by popular vote is in itself a serious encroachment upon the council system even where the authority of the mayor is greatly limited. It marks the creation of a coördinate authority, and points to the time when the council is to become merely a legislative body. It is not long before other officials, such as the treasurer, the auditor, the city attorney, and the members of various administrative boards are elected by the people, or appointed by the mayor or governor. The council often retains some control over the personnel of the administration by means of the right to approve or reject the mayor's appointments.

The complete separation of the executive from the legislative department is not attained even in the national government. Besides the power of confirmation of appointments given to the United

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States Senate by law, the members of the national legislative body have great powers of patronage individually which are accorded to them by political custom. In cities the members of the council have less individual patronage but more authority as a body to control official appointments. In many cases the clerk of the council, who is also the city clerk, is still chosen by the city's legislative body. Indeed in the smaller cities the council often retains very considerable powers of appointment and administrative supervision. For example in Dallas, a city of nearly 50,000 population and one of the largest towns in Texas, the new charter of 1899, after providing for the election of seventeen officials by popular vote, gives to the city council the power of choosing all appointive officers with the exception of the police and fire commissioners, who are appointed by the governor of the state, and the members of the police and fire departments, who are appointed by the commissioners. Among the officials appointed by the council are a city secretary, a city electrician, a city engineer, a secretary of waterworks, and an auditor.

The charter of Nashville, Tennessee, a city of 80,000 population, provides for the election of ten administrative officials by popular vote. The organization of the executive department is beyond ordinary comprehension, but the city council retains the right to establish new offices and determine how they shall be filled. The council may

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also remove members of the Board of Public Works and Affairs by a three-fourths vote after a hearing, subject to no appeal. As this board has the appointment of all subordinate officials provided for by the charter, including even the policemen and firemen, the control of the council over its members is of considerable importance. The power to remove city officials by special vote with or without a trial is a remnant of administrative authority quite commonly remaining with city councils.

On the other hand the new charter of Portland, Oregon, the new municipal code of Ohio, and many of the charters of the great cities confine the council to legislative functions almost exclusively.

The second important modification of the council system is found in the legislative powers of the mayor. In Chicago and many smaller cities the mayor presides over the council. In Grand Rapids he even appoints the council committees. Furthermore, the mayor's veto is an almost universal institution in American cities. The typical form of the veto power gives the mayor the right to file objections to any ordinance or resolution passed by the council within a certain number of days, with the effect that the ordinance or resolution will not go into force unless repassed by an absolute two-thirds majority of the council. In many cases, however, the veto power has been extended to apply to items in appropriation bills. In Nash-

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ville, indeed, the mayor may veto separate provisions of any ordinance. Furthermore, the veto power has been so extended in some cities that for certain classes of ordinances a three-fourths, four-fifths, or five-sixths vote of the council is necessary to overcome the mayor's objections. In New York City the mayor's veto of a franchise grant is final. In some cases the influence of the mayor and other executive officers over legislation is increased by the grant of the right to them to attend council meetings and participate in debate, though without a vote.

A still further modification of the council system is found in those cities where a part of the legislative functions have been transferred to other local boards, such as the board of education, the board of health, and other boards having in charge special departments of municipal government. It is often true that education is not under the direct control of the council at all, though in some cases, where there is an independent elective school board, the council has the right to revise the annual school budget. In Cleveland, since 1891, the school system has been organized on an elaborate plan by itself with a strict separation of executive and legislative authorities. The board of health often occupies a semi-independent position in city government under the authority of the general state law governing health administration. In the city of New Haven there is a paving commission appointed by the mayor. It is the duty of this commission to deter-

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mine what kind of pavements shall be laid in streets which the council has ordered improved. The sanitary drainage district and the park boards of Chicago have certain legislative functions quite independent of the city council.

The most important limitation of the council's legislative powers on behalf of other local boards is, however, in the department of finance. In the middle of the last century it was customary in New York for the state legislature to make the annual tax levy for municipal purposes in the metropolis. The spirit of partisanship was so strong and the inefficiency of the city council so marked that it was not thought safe to leave the city authorities in control of local finances. In 1873, however, following one of the most remarkable periods of municipal corruption and extravagance in the annals of any American city, the statesmen of New York hit upon a new plan for the control of the appropriations of the reformed city. A board of estimate and apportionment was established, made up of the mayor, the comptroller, and certain other city officials, all *ex officiis*. This board was given authority to prepare the annual budget for submission to the council, which had the right to reduce but not to increase any items. The general management of the finances and responsibility for the city's credit were lodged with this board. The plan proved eminently successful so far as the protection of the city's credit was concerned, and has been considerably imitated in American cities. The



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board of estimate and apportionment as now organized in New York City is composed of the mayor, the comptroller, and the president of the board of aldermen, who have three votes each; the presidents of the boroughs of Manhattan and Brooklyn, with two votes each; and the presidents of the boroughs of Queens, Richmond, and the Bronx, with one vote each. All of these members are elected officials. Prior to the charter revision of 1900 the board consisted of five members with one vote each, including the mayor and two of his appointees. The board of estimate and apportionment is required to prepare the annual budget and submit it to the board of aldermen for approval. The aldermen have twenty days for its consideration, but are not permitted to increase any item of the appropriations, to insert any new item, or to change the conditions of the various items as submitted to them. Furthermore, the aldermen are not authorized to reduce appropriations for the payment of interest or principal of the public debt or for expenditures made mandatory under the law. If the aldermen take no action, the budget stands as reported to them. If they reduce any item, the mayor may veto their action, and a three-fourths vote of the aldermen is required to override his veto. Under these conditions it can be easily seen that the New York City council has very narrow financial powers. Careful provision is made in the charter for the payment of the city's debt, and the board of estimate and apportionment has been

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amply authorized and instructed to protect the city's credit. Indeed, the board is practically supreme in all financial matters. At least, no local improvement can be made, no franchise be granted, no city undertaking be put through, without its approval.

As already stated, this plan of financial control has been copied in other cities. It is considered a real triumph in legislative ingenuity. It provides a plan by which a city can weather flagrant corruption and extravagance without becoming bankrupt. Generally speaking, a city's bondholders do not worry over the amount of the municipal debt, provided only that all technical requirements have been complied with and provision made for interest and sinking fund charges. It may be doubted whether this board has reduced taxes, but in any case it has made bonds ironclad.

In New Haven the body is called the board of finance, and is composed of the mayor, the comptroller, two aldermen, and three citizens appointed by the mayor, one each year for a term of three years. This board has about the same powers as the New York board with reference to the budget, though the council's authority is even more restricted, as it requires a two-thirds vote to make any change whatever in the estimates of the board of finance. The school tax is levied directly by this board without the intervention of the council. The board of finance also acts as a committee on claims and accounts, which, though not a strictly

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legislative function, is one of considerable importance in many city councils. This board also has authority to fix salaries. Rochester, Syracuse, Albany, Troy, and Utica, being cities of the second class in the state of New York, each has a board of estimate and apportionment composed of five executive officers, including the mayor and two of his appointees.

The Baltimore board of estimates is constituted in about the same manner, and has, in addition to its budgetary powers, authority to revise proposed franchise grants and fix the compensation for franchises before they are granted. The Detroit board of estimates is a much more popular body, being composed of five members elected at large and two elected from each of the seventeen wards. The Detroit board is also peculiar in this, that the budget is first passed upon by the council and then referred to the board for final approval or revision in the direction of reducing the appropriations but not increasing them.

Sometimes the financial powers of the council are not absolutely curtailed, but their exercise is made dependent upon the concurrent will of special majorities. Thus in St. Paul, under the charter of 1900, where the common council is a two-chambered body, "no appropriation of money, or resolution, order, or ordinance for the payment of money or creating any pecuniary liability, shall be valid or operative," unless passed by an absolute two-thirds affirmative vote in both chambers; and

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if vetoed by the mayor, such a measure requires an absolute four-fifths vote to be passed over the veto.

One would suppose that with all the limitations already described, the council system would be sufficiently emasculated to suit its most ardent opponents. But the modifications so far spoken of apply only to the transfer of powers from the council to other municipal bodies. It is one of the marked characteristics of American municipal government that local legislative powers are generally exercised by the state legislature, so that often only the shadow of the ordinance power remains in the hands of any municipal authority whatever. This condition of affairs has arisen out of two things : first, the American theory that municipal powers must all be enumerated in every charter, and second, the proneness of political parties to control city government through state machinery. These things have made our city charters in many cases as voluminous as a book of ordinances. The organization of the city government is often fixed in detail, and sometimes even the salaries of subordinate administrative officers are fixed in the charter. For example, of the \$100,000,000 spent by New York City in 1901 over two-thirds " was for mandatory expenditures as to which the city authorities could make no change whatever," and nearly half of the remainder was practically mandatory, so that not more than 17 per cent of the budget could really be affected by the local authorities.<sup>1</sup>

<sup>1</sup> John G. Agar in *Municipal Affairs*, June, 1902, p. 205.

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The interference of the state legislatures in municipal affairs will be more fully discussed in the next chapter. It remains to note here a still further curtailment of the powers of the council which has made considerable headway in some American cities, and which is advocated by the friends of democracy generally. I refer to the introduction of the initiative and the referendum in their various forms, by means of which the discretion of the council in legislative matters is directly subjected to the popular veto or mandate. This limitation is of a different kind from the others, and is calculated in a large measure to supplant them.

The council system presents a sorry spectacle indeed, in American cities. Yet we must not think that the council is everywhere equally impotent. In a good many of the smaller cities it still retains large administrative powers, and its legislative powers are wide in so great a city as Chicago. It is the tendency of recent charters to enlarge the council's legislative authority, and to supplement a detailed by a general grant covering all matters pertaining to municipal welfare. The new charter of Portland, Oregon, gives a good illustration of this tendency. In the first place it states that "the council shall have and exercise exclusively all legislative powers and authority of the city of Portland, and no legislative powers or authority, either express or implied, shall be exercised by any other person or persons, board or boards, other than the council." Then follows through seventy-eight

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paragraphs a detailed description of specific powers conferred upon the council. After that comes the statement that "the foregoing or other enumeration of particular powers granted to the council in this charter shall not be construed to impair any general grant of power herein contained nor to limit any such general grant to powers of the same class or classes as those so enumerated." The powers of the St. Paul council are enumerated in thirty-five sections, one of which has sixty-two subdivisions. In the New Haven charter also the council's powers are described in detail; but unluckily the separate paragraphs are lettered, so that when the charter-makers got as far as "z," they had to quit. We cannot be certain but that some essential local legislative powers have been omitted because of the failure of the alphabet to furnish enough headings. On the other hand, in the latest charter of New York, the powers of the board of aldermen are not set forth in great detail, while one section gives a general grant so generous that it is easy to detect an earnest desire on the part of the charter revision commission to rehabilitate this body, which had long been about the most insignificant city council in the civilized world. "No enumeration of powers in this act," says the charter, "shall be held to limit the legislative power of the board of aldermen, which in addition to all enumerated powers may exercise all of the powers vested in the city of New York by this act or otherwise, by proper ordinance, rules,

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regulations, and by-laws, not inconsistent with the provisions of this act, or with the constitution or laws of the United States or of this state."

The typical form of the council is that of a single body elected by districts and choosing its own officers. True, in England the councillors elected by wards choose one-third of their number to be aldermen, who are councillors of a higher grade, though forming a part of the single responsible legislative body. In this country we have experimented a great deal with the bicameral system. Many of our large cities, including Boston, Philadelphia, Baltimore, Pittsburg, St. Louis, and St. Paul, now have councils composed of two chambers, the upper house being smaller than the lower and its members elected by different districts. The bicameral system has not, however, proved very satisfactory. New York and New Haven have lately given up the second chamber. The plan that finds most favor in recent legislation is to provide for the election of a part of the council by general ticket and the rest by wards. The new Ohio code provides that one-fifth of the aldermen shall be elected at large. The Portland charter makes one-third of the councilmen elected on general ticket. The same provision is found in the charter for the city of Wilmington, Delaware, proposed in 1901. The charter of Denver now provides for the election of five supervisors at large and one from each ward. The new charter recently drafted for Denver, but disapproved by the electors, went to the full length

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of providing that the whole city council should be chosen by general ticket. San Francisco elects its eighteen supervisors in that way. In both of these latter cities the council is known as the board of supervisors.

Another modification of the typical form of the council is found in the election of its presiding officer by the people at large as a sort of vice-mayor. This is the plan in New York, and it is being followed to some extent elsewhere. It gives a certain amount of dignity to the council and provides a popularly elected official to succeed to the mayor's chair in case of vacancy.

Generally councilmen elected by wards have to be residents of the wards they represent, but New York City has finally broken away from this thoroughly American rule, and has provided that any citizen of the city shall be eligible to represent any aldermanic district in it. This condition is sometimes reversed. In San Jose, California, there is a council of five members elected from separate wards by vote of the whole city. The same plan was in vogue in Lincoln, Nebraska, until recently and is not uncommon in Southern cities.

The National Municipal League in its program of municipal reform recommends that the city council be elected on general ticket and be endowed with practically complete powers of local legislation. It is left optional with cities of 25,000 population to frame their own charters and establish ward representation if they so desire. In view of the



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need for local civic spirit in the several sections of a large city, district representation becomes of great importance. It seems desirable therefore to adhere to the ward system, only modifying it to the extent of electing the president and, say, one-third of the councilmen on general ticket. This would approximate as near to the English plan as American traditions will permit, the councilmen at large corresponding to the English aldermen and constituting as it were an honorary class in the council for the purpose of intelligent leadership.

Leaving the council system as the norm of municipal organization, there is only one other scheme to be found in American cities which deserves to be called a system. This is the so-called "federal plan," which is best illustrated in the city government of Cleveland as it was from 1891 to 1903. The federal plan, as its name indicates, is a more or less exact copy of the general principles of organization found in our national government. These principles are three: first, a clear separation of executive and legislative powers; second, a concentration of executive responsibility in the hands of one man who derives his power directly from the people; and third, the provision of a cabinet or group of heads of administrative departments to advise the chief executive. This may be regarded as the distinct American contribution to the theory of municipal organization, and, indeed, in theory, though not historically, the federal plan may almost venture to dispute with the council system

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the honor of being regarded as the norm in this country. At any rate it will be most convenient for us to consider it as the new American type, and note the departures from it in our municipal practice.

The first important limitation upon the federal plan to be considered is the incomplete divorce of the city's legislature from administrative functions. The council's power of appointment or confirmation is almost everywhere considerable. Even in Cleveland under the federal plan, as indeed in the national government, the appointment of members of the cabinet by the executive head was subject to the council's approval. In practice, however, this limitation upon the mayor amounted to little more than the similar limitation upon the President does. The mayor was to all intents and purposes the one responsible head of the whole administration.

A further limitation upon the federal plan is found in the election of independent administrative officials not responsible to the mayor. Indeed, this is such a radical departure from the federal system that it clamors for recognition as a system by itself. Students of American administration are well aware of the radical difference in the organization of the national and the state governments. In the former responsibility is concentrated. In the latter it is distributed. This latter system has been copied more or less closely in many cities and has a tenacious hold upon the popular mind in

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the small places. Almost everywhere, even in the largest cities, several administrative officers are elected. In Cleveland, under the federal plan, the only administrative officers besides the mayor who were elected were the treasurer and the prosecuting attorney for the police court, except the director of schools, whose department was quite separate from the city government proper. In New York City now the comptroller and the borough presidents are important administrative officials elected by the people.

The art of executive disorganization has been carried far in many American cities. For example, the city of Nashville, Tennessee, elects, besides the mayor, a city treasurer, a comptroller, a city attorney, a city marshal, a tax assessor, and a board of public works and affairs of three members. This board has the appointing power in practically all the departments of the city outside of the schools, even in the police and fire departments, although there is a separate board of police and fire commissioners appointed by the mayor. The health officer is an exception to the rule, for he is appointed by the board of health.

But the most striking example of deliberate dissipation of responsibility is found in the new Ohio municipal code. The system there provided is a combination of village methods and the machinery worked out by Mr. Cox for the easy control of Cincinnati. In a recent magazine article on public school business administration Mr. C. B. Gilbert

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says, "The theory underlying the organization of public business is that it is best to avoid the possibility of fixing responsibility."<sup>1</sup> They seem to have followed this idea in Ohio. Turning its back completely on the federal plan so far as the organization of the executive was concerned, the Ohio legislature imposed upon all the cities of the state a system that seems to have for its object the demoralization of the executive. First, there is the mayor, who has the right to call the directors of departments together for consultation. He is twice described in the act itself as "the chief conservator of the peace." He has the appointment of the board of public safety subject to confirmation by two-thirds vote of the council. But if the council fails to confirm within thirty days, the appointments are made by the governor. The mayor is a sort of emergency head of the police and fire departments, and has the great privilege of appointing policemen and firemen from a limited list furnished him by the board of public safety acting in the capacity of a civil service commission. The president of the council, who is vice-mayor, the auditor, the treasurer, and the solicitor are elected by the people. So also are the directors of public service, who constitute a board which has control of streets, sewers, public utilities, parks, and charitable and reformatory institutions. In short, the board of public service is at the head of the strictly municipal administrative work. The mayor

<sup>1</sup> *Forum*, October-December, 1903, p. 309.

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appoints a board of health subject to confirmation by the council, and a library commission without such confirmation.

This Ohio system is extreme. Yet almost everywhere there is some limitation upon the mayor's responsibility arising from the fact of independent elective officials. Another limitation upon the federal plan is the appointment of city officials for definite terms and the absence of power in the mayor to remove his own appointees except for judicial cause. In a few of the new charters the mayor is given absolute power of removal. The plan formerly in vogue in New York City was to allow the mayor to remove his appointees at any time within six months after their appointment. This is the plan in Baltimore now. The theory of it is that the mayor should have the right to make his appointments on probation, but that six months of faithful service ought to insure a definite term of office to his appointees. New York had an exceedingly disagreeable experience with this theory while Mr. Strong was mayor. Two of the four police commissioners lost their efficiency after the six months had expired, and, as they were stubborn, the department remained in a deadlock for a long time. Now the mayor of New York has absolute power of removal over his appointees.

The New York deadlock was, of course, due as much to the bipartisan organization of the board as to the mayor's inability to remove the discordant commissioners. The bipartisan idea has a strong

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hold upon municipal legislation, there being many instances in widely different parts of the country where half the members of a municipal board are required to be taken from each of the leading political parties, or, more commonly, not more than half can be taken from any one party. The recently enacted charter of South Bend, Indiana, provided for a board of public works of three members to be appointed by the mayor, two from his own party, and one from the party casting the next highest vote. The charter even provided that of the waterworks employees "not more than half, as nearly as may be, shall be appointed from one political party," and the fire and police forces were to be, and remain, as nearly as possible, equally divided between the two principal parties. San Francisco, which has had three principal parties of late years, has provided in her new charter that of the three members of the board of public works and the civil service commission, the mayor shall not appoint more than one from any one party. The board of education, the police board, and the fire board each consists of four members of whom not more than two can be from one party. The board of health must consist of five physician members, two from each of the two principal parties, and one from a third, if possible. If there is no third party having a physician in its ranks, the mayor is permitted to use his discretion in the appointment of the fifth member. This partisan limitation upon the federal plan is good evidence of

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the tremendous hold of the party system on city affairs and is at the same time a recognition of its evil influence.

The most important modification of the federal plan is the merit system of appointment in the subordinate administrative service. This limitation is most important, not because it is most common, not because it diminishes the mayor's responsibility most, but because it is a constructive limitation. It limits and yet it is inconsistent with the plan and gives it strength and practicability. The two objections that were raised against the federal plan as it was operated in Cleveland were, first, that the mayor through his right to attend council meetings and participate in debate was able to exert undue influence over the legislative department, and, second, that on account of his practically unlimited power of appointment and removal he was enabled to build up a powerful machine for his own political aggrandizement. The first of these defects could have been cured by limiting the mayor to written communications to the council. The second defect could have been obviated by the introduction of the merit system. The theory of this system is that public employment in all subordinate positions should be open to all citizens without regard to their political or religious affiliations, selections to be made from those showing superior fitness in an open competitive examination. In other words, the merit system is directly opposed to the idea that public offices and employments

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may be rightly used as rewards for party service. Furthermore, the merit system stands for expert municipal service which requires a relative permanency in official tenures. For this reason under the merit system, as usually arranged, officers and employees cannot be removed except for judicial cause,—that is, for malfeasance or misfeasance in office. Sometimes, however, the mayor is permitted to remove officials in the classified civil service with assignment of his reasons in writing.

All cities in New York and Massachusetts have the merit system under state law. Chicago adopted it by popular vote. San Francisco, Los Angeles, Seattle, Milwaukee, New Haven, New Orleans, and Portland, Oregon, have the merit system established in various degrees of efficiency in their charters. It is applied to the police and fire departments in many other cities. The success of the system depends largely upon its being administered by its friends. But when its friends are in power, the system is not so much needed, and sometimes even gets in the way of desirable reorganization. The merit system has three practical purposes in view. These are, first, to prevent spoils politicians from filling the offices with incompetent party workers; second, to provide a simple and just way of selecting fit persons for official employment, thus relieving the mayor or other appointing authority of the irksome and unprofitable task of passing upon all applicants by personal examination or by the consideration of the applicants'



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recommendations ; and, third, to give all applicants for appointment an equal chance in accordance with their ability. A spoilsman mayor has no use for the second function of the merit system and evades the first if possible. An efficient nonpartisan mayor has no need of the first but finds the second a great help, unless the red tape of the civil service examination happens in some unusual instance to bar out a candidate known to possess exceptional qualifications for some particular position. Too, if the law is dishonestly administered by its enemies, when its friends get into power, they may find the pay-rolls loaded with a lot of half-competent employees whose tenure of office is protected by the law so that they cannot be removed to make way for more efficient persons. In New York City, particularly, these difficulties have been encountered.

Nevertheless, after all has been said that can be said against the merit system, we find the substance and principle of it untouched. This system is democratic, for it gives every citizen an equal opportunity to participate in the public service according to his fitness. It is economical, because it brings into office competent persons who work for their wages and are not required to spend half of the city's time "hustling" for votes or organizing political clubs. It is scientific, because through permanence of official tenure it develops specialists in every department of city administration. It is now well recognized that the merit system, or at

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any rate the application of its principles, is a necessary condition of general success in the municipal operation of public utilities, and everywhere civil service reform is a twin plank in a municipal ownership platform. All except partisan politicians favor it, some because they want our present municipal undertakings well handled, others because they want the city to become capable of the safe expansion of municipal functions.

One of the most important features of the federal plan is the mayor's cabinet. This feature is radically important because it gives intelligent unity to a city administration. The greatest need of our city government to-day is foresight and coördination. The mayor's cabinet in Cleveland was a compact body composed of the heads of the six municipal departments, who, with the mayor, formed the Board of Control. This board was required to meet at least twice a week and keep a formal record of its proceedings. It came nearer the "magistracy" or administrative board of a German city than anything else I know of in American city government. A few years ago Mayor Quincy, of Boston, organized a sort of extra-legal cabinet for advisory purposes. This was a committee of leading business men with whom the mayor consulted frequently.<sup>1</sup> The cabinet idea has taken considerable hold upon municipal law already. The boards of estimate already described are in a measure akin to the mayor's cabinet.

<sup>1</sup> See *Municipal Affairs*, September, 1897, pp. 491-508.

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St. Paul now has a "conference committee" composed of thirteen officials, including the president of the upper house of the council and the chairman of the ways and means committee of the lower house. Certain county officials are invited to attend the meetings of the conference committee and take part in its deliberations, but without a vote. The committee must meet at least once a month. The charter requires that at these monthly meetings eleven different officials shall present written reports of the affairs of their departments covering the points described in the charter itself. Absence from two successive sessions of the committee, or failure to make a required report, operates to put any member out of office and disqualify him for holding any city office for a year. The committee has no authority to excuse any members from making the required report. If at any time the committee thinks a department is being conducted in such a manner that it will be impossible for it to keep within its appropriation during the year, the committee may so advise the officer or board in charge, and thereafter no further obligations or expenses can be incurred except after the approval of four-fifths of the committee by formal resolution. The committee is also authorized to give advice to any department. In this conference committee are the mayor and eight of the mayor's appointees, but most of the latter hold office for several years and, once appointed, are not absolutely responsible to the mayor.

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Another interesting experiment in cabinet government is being worked out in Portland, Oregon, where the new charter provides for an executive board of ten members besides the mayor. The members are appointed by the mayor and may be removed by him at any time. The board has charge of the fire and police departments, the street and lighting departments, the harbor and the pound. This leaves the waterworks, the health department, the parks, etc., under the control of separate boards or officers not responsible to the executive board.

The final limitation upon the federal plan arises from the same source as the similar limitation upon the council system, — that is, from state interference. If the legislature chooses to arrogate to itself the functions of the city council, it also frequently confers upon the governor part of the mayor's powers. In various cities of the United States there are police boards, boards of health, and other municipal bodies appointed by the central state authority. The Baltimore police board is elected by the general assembly of the state. Denver has a board of public works and a board of fire and police commissioners appointed by the governor. Boston, New York, Cincinnati, Toledo, Detroit, St. Louis, New Orleans, San Francisco, and other cities now have or at some past time have had one or more boards named by the state. This is a considerable limitation upon the federal plan, greatly decreasing the authority and power

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of the mayor, especially in Ohio cities, where the mayor is only the "chief conservator of the peace" anyway.

I have briefly explained the two typical systems of municipal organization and the ways in which they have been modified in American cities. The results show such absolute confusion that it is practically impossible to construct a form of municipal government proven to be good by experience under American conditions.

The whole theory of modern freedom holds that in the long run, through blunders, heedlessness, and wrong-doing, the people themselves will work out for themselves the government best suited to their needs. It is too late in the history of the world to take a step backwards and rely on aristocracy or monarchy. We must, therefore, organize our city governments on the basis of democracy and with an eye to the gradual strengthening and perfection of democratic ideals. In doing this we must, of course, work along the lines of least resistance. For us this seems to be the federal plan. Coupled with municipal home rule, the merit system, and optional direct legislation, this plan offers a reasonable hope of bringing efficient government. With a careful separation of powers, the legislative function can be intrusted to typical, everyday Americans from middle life who yet have broad enough training to enable them to see the interests of the city as a whole. In most cities strictly legislative duties would not seriously inter-

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fere with a man's regular business, and therefore the councilmen need not either be rich or receive high salaries from the city. The danger of such men falling a prey to greed would be largely obviated by popular control through the initiative and the referendum. The mayor elected by the people and given practically full power over all branches of the administration, with a provision for his consulting with the heads of departments before taking action, could give a brilliant administration if he is a strong leader, and a safe administration if he is honest but timid or hesitating. If the mayor is a bad man, we must depend upon the merit system, the pressure of public opinion, and perhaps the right of recall to compel him to perform his duty passably. As I have said before, *concentration* of responsibility is not to be sought for its own sake. What we want is fixed responsibility. The simplest way to fix it is to load it all on one man. But one of the negative lessons from American experience is that loading responsibility all on one man is a failure unless you have a very exceptional man. The common method of distributing responsibility among many elected officials is a worse failure, because the necessary unity in municipal administration is lost, and, under the conditions of party government, officials are not held closely to individual responsibility for the conduct of their offices. They are all bunched together on the party ticket. Furthermore, even with free nominations and nonpartisan elections,

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careful discrimination by the voters in choosing from a dozen to a hundred officials is impossible. This is especially true in large cities, where most fellow-citizens are strangers to each other. The best way out of the difficulty seems to be by the concentration of *ultimate* responsibility for all branches of the administration upon one man, with the requirement that he shall ask, even if he does not follow, the advice of a group of men, either the officials appointed by himself, or a separate body chosen by the people or by the council. The federal plan contemplates that the mayor's advisers are to be the heads of departments appointed by himself. In some of the cases I have cited consultation is had with a group of officials, partly elected and partly appointed; but in these cases there is usually more or less division of responsibility without adequate provision for its correlation. In St. Paul the conference committee has adequate authority to compel the various departments and officials to keep within their appropriations. The committee's control amounts to a limitation upon the amount of money to be expended.

But whether responsibility is concentrated in the hands of the mayor or carefully distributed among elected or appointed officials with definite terms of office, the absolutely essential thing is that the heads of departments should be compelled to meet together frequently and report to each other the policies and conditions of their respective departments, and consult with each other as to the means

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to be employed to insure harmonious, efficient, and economical government.

The scheme of organization recommended by the National Municipal League, after years of widely extended observation and deep study, is, perhaps, the safest comprehensive plan yet devised for municipal organization in this country. This plan includes the separation of legislative from administrative functions. It makes the council the sole legislative body of the city, subject to popular control through direct legislation if the people so desire. It makes the mayor and the councilmen the only elective officials. It provides that nominations shall be by petition, and that the ballot shall not contain party designations. It gives the council authority to appoint the controller, who is to be the chief financial officer of the city. It gives the mayor the authority to appoint and remove at pleasure all other department heads. It makes the tenure of all appointed officers indefinite, with the hope that this will encourage permanency during good behavior. It establishes the merit system of appointment in the subordinate administrative service. No definite provision is made for a cabinet or consulting group of department heads, and this is probably the most serious omission in the general plan.

The organization of city government is fundamentally important. It is the construction of the machinery by which many of the most sacred interests of citizenship are cared for. Something



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more than the nice adjustment of official duties is required. There must be adequate provision for intelligent response on the part of officials to the people whose servants they are. Municipal reports are of much greater importance than is ordinarily conceived. Boston has an efficient bureau of municipal statistics under the skilled direction of Dr. Edward M. Hartwell. Chicago also has a statistical bureau. New York started one under Mayor Van Wyck's administration, but it was found that Tammany figures were hardly worth publishing, and the bureau was discontinued.

The whole subject of municipal book-keeping and accounting is one of great interest. Care should be had not to confound the principles of private with those of public book-keeping. Private books are often kept for the purpose of concealing facts from all those who are not in the secrets of the business. This, so to speak, esoteric book-keeping has no place in public offices. Even where private accounts are not arranged to deceive the unwary, they are almost never arranged with the idea of showing at a glance to strangers the condition of the business. But public accounts must be simple, clear, and graphic, so that any citizen can easily understand them.

Students of American municipal statistics have found the reports of different cities so confused and uncertain as to afford no basis for trustworthy comparisons of the cost and efficiency of the several departments of city government in different

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places. Out of this difficulty has grown a strong movement in favor of uniform municipal statistics.<sup>1</sup> Primarily the demand for uniformity is based on the desire to compare the experiences of different cities. This is, of course, a laudable desire, and the ability to satisfy it with reasonable accuracy would undoubtedly throw light on many dark problems and facilitate reforms. Cities are prone to seek to learn from each other in order to avoid mistakes, and to imitate successes. This is a natural tendency, and, if made to supplement honest effort at home rather than to substitute for it, the study of other cities' experience will always be helpful. So long, however, as reports are vague, misleading, and incomplete, one city cannot tell whether it is copying the mistakes or the successes of another.

Another reason for uniformity within the limits of any one commonwealth is to secure a basis for central administrative control. Thus in Wyoming there has long been a state examiner of accounts

<sup>1</sup> The National Municipal League, in 1901, appointed a special committee to investigate this subject and report a plan of uniform accounting. The reports of this committee, of which Dr. Edward M. Hartwell of Boston is chairman, and many other valuable articles on this subject are to be found in the published proceedings of the last three *Conferences for Good City Government*. See *Rochester Conference*, 1901, pp. 248-314; *Boston Conference*, 1902, pp. 292-329; and *Detroit Conference*, 1903, pp. 247-297. The schedules adopted by the League have formed the basis of uniform accounting in Ohio, and have been put into use with more or less modification in Boston, Cambridge, Baltimore, and other cities.

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with authority to prescribe forms for all local governmental bodies. In Ohio, also, in 1902, a law was passed giving the state auditor similar authority.

The greatest advantage to be secured from uniformity, however, is an incidental one. A uniform method must in the nature of the case be simple and intelligible in its results. What is most needed is that the people of a city should have presented to them a report of their own city finances that they can understand. As a rule, the taxpayer puts his contribution into the hopper, and there is ground out for him a confused mixture of benefits and annoyances which are reported to him inaccurately and in piecemeal by the newspapers. Probably not one in a hundred of the taxpayers, certainly not of the voters, can give with close approximation the proportions of his tax that are devoted to the several functions of local government. Very much more should be made of municipal reports than at present. To be sure, almost every large city publishes an elaborate volume every year for distribution among the city officials and for exchange with other cities. But these volumes are, as a rule, both comparatively uninteresting and comparatively unintelligible. At any rate, citizens hardly ever see them. The manual of the council often contains in useful form considerable information, but this, too, is not widely distributed. In order to be really responsible to the citizens a city government should annually put into the hands of every elector a comprehensive but popular report of the work

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of the city and a sketch of the municipal organization. If well prepared and universally distributed, such a document would do more for the education of citizenship than the whole year's daily papers and two or three political campaigns combined. Such city reports as we now have in the great majority of cases are totally unsuited to this popular use. It would require a bureau with a trained man at its head to prepare such a report as is needed. The cost of supplying every citizen would be considerable, but in the long run it would be saved in the greater economy and efficiency of the government which would follow from the active and intelligent public interest of the citizens. The greatest danger arising from the adoption of this policy would be that each administration might attempt to exploit its own merits in the annual report without regard to facts. In order to insure fairness and precision the publication would have to be controlled by an advisory committee independent of the officials directly interested.

New York City publishes a daily *City Record*, but it is altogether too bulky and too technical to be available for general use. The statistical bulletins issued by Boston and Chicago every month or two are much more popular and useful for ordinary citizens. But what is needed is an annual report that shall be a handbook of the city government, which the average citizen would keep for reference and in which he could find out anything he needs

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to know about the workings of the government, or at least get directions as to where it could be found out.

Popular government in cities is a complex problem. In order to succeed we must put responsibility where we can find it when we look for it, and then not forget to look for it.

## CHAPTER XI

### LOCAL RESPONSIBILITY, OR MUNICIPAL HOME RULE

HOME rule as applied to cities is a rather vague term. It needs to be crystallized into a program. It may include three tolerably distinct rights. One is the right of the municipality to choose from among its own citizens the officers who are to administer the law in the locality. The local choice of officers who act locally is the most usual form of local self-government that we have in America. This principle is applied everywhere, with now and then a glaring exception. The second right of home rule is the right of the locality, usually a city, to determine its own form of organization for governmental purposes. This right is not generally recognized. Formerly New York City had a charter convention from time to time to frame a new charter, but this custom fell into disuse more than fifty years ago. To-day certain cities have the right to frame their own charters within certain limitations in several of the states, and the National Municipal League has included this right of home rule in its "Program," limiting its application, however, to cities with a population of 25,000 or more. The third right that may be included under home rule or local self-government is the right

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locally to determine the scope of the local government. This right is of vital importance. It includes the right to expand municipal functions or contract them according to the political judgment of the locality. This is the kernel of home rule so far as home rule represents a change from our prevalent political habits. With this right granted every city would be enabled to determine for itself whether or not it will own and operate public utilities, and whether or not it will establish baths, gymnasiums, parks, playgrounds, etc. It is in this right that the possibility of separating local from national and state politics rests. It is in this right that the hope of democracy lies through the cultivation of civic spirit and the promotion of civic education. Another right of a somewhat different nature from these, and yet fundamentally important, is the right to levy taxes and incur debt without limitation by the state. This right is not generally recognized. Its full guarantee would imperil the sovereignty of the state, but its undue limitation makes all other forms of home rule largely futile.

According to the general theory of American law, a municipal corporation is the creature of the state legislature, and possesses only such powers as are expressly enumerated or clearly implied in the city charter. Upon this theory, whenever constitutional provisions guaranteeing municipal home rule have been lacking, the cities of the United States have been completely at the mercy of the

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state legislatures. In Michigan, however, this doctrine of the unlimited authority of the legislature over the city has been modified by the doctrine of local self-government, as enforced by the supreme court. The Michigan court has held, in effect, that back of the written constitution of 1850 lies a general scheme of local self-government, which is presupposed by the constitution, and cannot be abrogated by the state legislature.<sup>1</sup>

The court has "fully recognized that the legislature may grant, withhold, or take away the corporate powers of cities, but it cannot take away from the people of any locality the fundamental right of managing their own affairs. That is, the essentials of county and township government are guaranteed absolutely to all the people, and if further privileges are given to cities, they can be exercised only by local officers. There are certain general functions, such as the police power, which may be exercised in a supplementary way by state officials, but not to the displacement of ordinary local officers. And, further, the legislature cannot radically change the existing forms of municipal government, as, for instance, by depriving the city council of its essential position as the municipal legislative power."<sup>2</sup>

With the growth of the political importance of cities, state legislatures have developed great interest in the internal affairs of municipal cor-

<sup>1</sup> See the author's *Municipal Government in Michigan and Ohio*, pp. 35-50.

<sup>2</sup> *Ibid.*, p. 30.



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porations. It often happens that the political complexion of a city government differs from that of the state government. In such cases, the spoils of municipal offices tempt the legislature to interfere with municipal affairs and oftentimes to reorganize the whole scheme of municipal government. The excuse for such interference, where partisanship is not frankly avowed, is, usually, that the city authorities are delinquent in the enforcement of state laws. Between partisanship on the one hand, and municipal delinquency on the other, state interference has developed large proportions in New York, Pennsylvania, Ohio, Massachusetts, Missouri, and some other states. This applies principally to the great cities.

Another side of the evil is that, apart from political interference, a great mass of local and special legislation has grown up in many of the states, by which responsibility for local affairs has been confused, and the statute-book loaded with conflicting and piecemeal charter provisions, leaving the authorities of the cities greatly hampered in any intelligent effort to govern their municipalities well. This sort of legislation is usually passed on the recommendation of the members from the localities affected and without any consideration of its merits by the legislature as a body. In this way the member or members of the legislature, elected by the particular city, along political lines, and for the purpose of taking part in the general legislation of the state, come to be in reality a

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supreme local legislative body, responsible only indirectly to their constituents for their acts. Any one having a pet measure, affecting the city, has only to persuade the members of the legislature from his locality to introduce it and vouch for it, and it will become a law, no matter how the people of the city may stand upon the question at issue.

This condition of confused responsibility, imperfect publicity, and domination by private interests has led to incalculable evils in municipal government in most of the states of the Union.

The evils of special and local legislation had become so apparent fifty years ago, that the people of Ohio, in the constitution of 1851, prohibited all special legislation for cities.

In the same year Indiana followed suit. Since then, half or more of the states have made similar attempts. These constitutional provisions have taken various forms, but have been only moderately successful in accomplishing their ends. The new constitution of Alabama, adopted in 1901, forbids the legislature to pass any special act, (1) incorporating a city, town, or village; (2) authorizing any city, town, or village to issue bonds except where the issue has been approved by the people of the locality, and excepting refunding bonds; (3) amending, confirming, or extending the charter of any municipal corporation, provided that the legislature may rearrange city boundaries.

The history of constitutional provisions, prohibiting special legislation, is interesting and instructive,

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though not particularly encouraging. The experience of Ohio is perhaps more striking than that of any other state. After the constitution of 1851 was adopted, the legislature passed a general incorporation act for cities. It soon became apparent, however, to the statesmen of Ohio, that a general charter of enumerated powers could not be easily adapted to the needs of cities of different sizes and having different physical environments. Consequently it was not long before the legislature classified cities according to population, the first class being composed of all cities having a population of 20,000 or more. At that time Cincinnati was the only city of the first class. It is needless to go into the detailed history of classification in Ohio. Suffice it to say, that the supreme court having assumed the right of the legislature to classify cities according to population, this right came to be abused in the most flagrant manner, until the letter and spirit of the constitution were practically nullified, and for many years special legislation for cities was rampant in Ohio without let or hindrance. The supreme court in 1902 found the condition of affairs so bad as to warrant its reversing a long line of decisions, and practically declaring the whole municipal code of the state null and void. The legislature was called in special session for the sole purpose of enacting a general municipal code in compliance with provisions in the constitution that had been a dead letter for nearly fifty years. The experience of Ohio shows two things : —

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*First.* There is real difficulty in enacting a general municipal law that shall apply to cities of all sizes and under all conditions, so long as it is deemed necessary to follow the general practice of American law, and dole out, bit by bit, the whole series of municipal powers, functions, and modes of organization.

*Second.* The spirit of partisanship is so strong and the habits of state legislatures are so bad, that nothing but an iron-clad constitution, rigidly interpreted by the courts, will prevent a state legislature from gradually reasserting its authority over the local affairs of cities, and making municipal government dependent upon the caprice of cliques and parties not directly responsible for it.

The experience of Illinois has not been quite the same as that of Ohio. Special legislation and state interference with local affairs had developed to a considerable extent prior to 1870, when the state constitutional convention met. The attention of this convention was called to the evils of special legislation, and a section was inserted prohibiting the further enactment of special city charters. Two years later, the legislature passed a general incorporation act, which, with some amendments, has been the basis of municipal government in Illinois until the present time. This act is comparatively brief and provides for the organization and powers of cities in general terms, so that there has been less necessity for amending it than would have been the case if it had attempted to go into

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utmost detail. Under it, accordingly, the cities of Illinois have an exceptionally wide scope for self-government. The city of Chicago has not, however, escaped entirely from the evils of state interference. The legislature has been enabled, by means of legislation applying to cities of a certain population, to control the affairs of Chicago to some extent. Nevertheless, Chicago enjoys an enviable distinction among American cities in the way of opportunity for self-government. Its principal drawback is the extreme restriction put upon its financial operations. Under the law, the debt of Chicago is limited to 5 per cent of its taxable valuation; and the tax laws recently enacted make the valuation for taxing purposes only 20 per cent of the real valuation, thus making the actual debt limit of Chicago 1 per cent of its property assessment. This limits the city's debt, except for special purposes, to less than \$20,000,000 or about \$10 per capita, which is not one-eighth of the actual per capita debt of New York and Boston. The experience of Illinois, Chicago in particular, thus indicates that municipal home rule may be rendered of little account unless cities are granted a large degree of autonomy in their financial operations; for money, in municipal business as in other business, is the wherewithal of progress.

In 1873 the constitution of Pennsylvania also prohibited special legislation for cities, but, thanks to a system of classification which has been upheld by the supreme court, the city of Philadelphia has

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always been in a class by itself, subject to the complete control of the state legislature. The second class of cities in Pennsylvania includes three, — Pittsburg, Allegheny, and Scranton. The constitutional convention of 1873, not satisfied with prohibiting special legislation for cities in general terms, adopted this specific provision, that "the general assembly shall not delegate to any special commission, private corporation, or association, any power to make, supervise, or interfere with any municipal improvement, money, property, or effects, whether held in trust or otherwise, to levy taxes or perform any municipal function whatever." In spite of these restrictions, the political machine of Pennsylvania, which controls the legislature, has found it possible to interfere with the affairs of cities, apparently to the extent of its desire. The so-called "ripper" legislation recently passed, providing a system of government for cities of the second class, removed the mayors of Pittsburg, Allegheny, and Scranton from office, and provided for city recorders, to be appointed by the governor, to succeed them. It is needless to say that the governor made good use of the authority thus granted him in behalf of the machine of which he was a part, and the three cities named were put almost absolutely under the control of the state administration for a period of two years.

The experience of Pennsylvania again demonstrates that constitutional guarantees must be carefully drawn, and loyally upheld in the courts, in

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order to protect the people in any city from the interference of the state legislature for partisan ends.

Other states which have constitutional provisions prohibiting special legislation have had experiences similar, though in most cases not quite so outrageous. Even California, with its system of home-rule charters, has for purposes of general legislation divided cities into seven classes, of which the first three contain only one city each.

The state of New York has attempted to secure municipal home rule, not by absolutely prohibiting special legislation, but by giving the cities a qualified veto upon it. The evils of state interference for partisan purposes have undoubtedly reached their maximum in New York. The constitutional convention of 1894 recognized this fact, and, still considering that absolute prohibition of special legislation would be impracticable, adopted the following provisions:—

1. Cities were divided into three classes, according to population.
2. A special act was defined as an act applying to any less than all of the cities of a class.
3. Every special act, after passing the legislature, was required to be submitted to the municipal authorities of the city or cities affected, who were authorized, after giving a public hearing, to approve or veto the measure. If approved, the act would become law upon receiving the governor's signature; if disapproved, it would not become law,

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unless repassed by the legislature and signed by the governor.

These provisions have resulted in considerable benefit from one standpoint. They have at least insured a certain degree of publicity of all local measures passed by the legislature. They have not, however, succeeded in bringing about home rule, for in the state of New York when any partisan measure, affecting any of the larger cities of the state, has been determined upon by the machine, the veto of the local authorities operates only to delay, not to prevent its enactment. Two charters of greater New York have been passed since 1894 over the veto of the mayor, even though in one instance the mayor belonged to the same political party as the majority of the legislature. To be sure, he had acted as an independent. Some protection to local interests is secured, however, by the veto of special legislation passed near the end of the legislative session. Bills passed in the last fifteen days before adjournment, if not approved by the local authorities, cannot be repassed; consequently, they fail.

Another method of insuring municipal home rule was first adopted in the Missouri constitution of 1875. Prior to that time municipal conditions in St. Louis had been very unsatisfactory, and there had been considerable interference on the part of the state legislature. The St. Louis delegates in the constitutional convention proposed a scheme by which that city was to have the right to frame



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its own charter. As finally adopted, the provision was as follows :—

“Any city having a population of more than 100,000 inhabitants may frame a charter for its own government, consistent with and subject to the constitution and laws of this state, by causing a board of thirteen freeholders, who shall have been for at least five years qualified voters thereof, to be elected by the qualified voters of such city at any general or special election ; which board shall, within ninety days after such election, return to the chief magistrate of such city a draft of such charter, signed by the members of such board, or a majority of them. Within thirty days thereafter, such proposed charter shall be submitted to the qualified voters of such city at a general or special election, and if four-sevenths of such qualified voters voting thereat shall ratify the same, it shall, at the end of thirty days thereafter, become the charter of such city, and supersede any existing charter and amendments thereto. A duplicate certificate shall be made, setting forth the charter proposed and its ratification, which shall be signed by the chief magistrate of such city and authenticated by its corporate seal. One of such certificates shall be deposited in the office of the Secretary of State, and the other, after being recorded in the office of the Recorder of Deeds for the county in which such city lies, shall be deposited among the archives of such city, and all courts shall take judicial notice thereof. Such charter, so adopted, may

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be amended by a proposal therefor made by the lawmaking authorities of such city, published for at least thirty days in three newspapers of largest circulation in such city, one of which shall be a newspaper printed in the German language, and accepted by three-fifths of the qualified voters of such city, voting at a general or special election, and not otherwise ; but such charter shall always be in harmony with and subject to the constitution and laws of the State."

At the time of the adoption of this constitution, and for many years after, St. Louis was the only city in Missouri entitled to frame its own charter. Since then Kansas City and St. Joseph have passed the hundred-thousand mark, and the former has framed a charter of its own. In Missouri, as in other states, there has been a tendency on the part of the state legislature to render nugatory constitutional provisions granting municipal independence in local affairs. Mr. Charles Nagel attributes the interference of the state legislature to partisan differences, St. Louis being the one Republican stronghold in a Democratic state.<sup>1</sup> He cites two measures passed by the legislature in 1899. One was the police law under which a board of police commissioners appointed by the governor, the mayor being the only locally chosen member, has complete control of the police department, even to the extent of making the annual appropriations without having to consult the city legislative

<sup>1</sup> *Rochester Conference for Good City Government*, p. 107.

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assembly. The law itself fixes the minimum number of police officers and determines their salaries. The other measure is an election law applying to St. Louis alone. "This law," says Mr. Nagel, "comparatively innocent upon a superficial reading, is probably as carefully designed a measure for the perpetration and protection of election frauds as was ever enacted. The governor appoints the election commissioners. These in turn elect the judges and clerks of election for all political parties. Most of the registration of voters is had at one central point. Between this law and the police law the opportunities are practically unlimited. How they were availed of is attested by grand jury reports, and by the developments in election contests. Even the most unsophisticated have been compelled to admit that these two laws are intended to reverse the will of the people of St. Louis."<sup>1</sup>

It becomes apparent from the experience of St. Louis, that municipal home rule is not a party measure, but is everywhere the cry raised by municipalities whose interests have been prostituted to the demands of state partisan politics. Which party is in control of the state legislature makes little difference, so long as some partisan advantage can be discovered in "ripper" legislation.

The Missouri home-rule system gave such promise of favorable results, that it was copied in 1879 with some modifications in the constitution of

<sup>1</sup> *Rochester Conference for Good City Government*, p. 108.

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California. California, however, having experienced the same tendency of the state legislature to get around the constitutional provisions and interfere with local affairs, has been engaged in an effort to improve its constitutional system. At the present time in California, any city with a population of 3500 is authorized to frame its own charter, which becomes law after being passed by the legislature without amendment. So far, sixteen cities have availed themselves of this privilege, and not one charter has been rejected by the legislature.<sup>1</sup> It is provided in the constitution that a charter framed by a city "shall become the organic law thereof and supersede any existing charter, and all amendments thereof and all special laws inconsistent with such charter." It is further provided that all charters "framed or adopted by authority of this constitution, *except in municipal affairs*, shall be subject to and controlled by general laws." As a result of these various constitutional provisions, some of them only recently adopted, Californians think they have secured a reasonably certain guarantee of municipal home rule in strictly municipal affairs. It is noteworthy, indeed, that Governor Gage, in his message to the California legislature in 1903, called attention to the possibility of impairing the sovereignty of the state by radical measures for local autonomy.

<sup>1</sup> These cities are Eureka, Fresno, Los Angeles, Berkeley, Napa, Oakland, Pasadena, Sacramento, Salinas, San Diego, San Francisco, Santa Barbara, Santa Rosa, Stockton, Vallejo, and Watsonville.

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The city of San Francisco, after laboring for many years under the handicap of a confused jumble of laws, called the "Consolidation Act," finally succeeded, in 1900, in adopting a freeholders' charter, which is the most radical charter of any great city in the United States. Four times charters framed by boards of freeholders in San Francisco had been rejected by the people. In every case the political spoilsmen intrenched in the city and county offices, growing fat upon irresponsibility, had fought the charter tooth and nail.

The Missouri and California system was adopted in the state of Washington in 1889, and all cities with a population of 20,000 in that state have the right to frame their own charters. Seattle and Tacoma have taken advantage of this provision.

Minnesota also has fallen into line and adopted a constitutional amendment by which cities are permitted to frame their own charters within general limits prescribed by the legislature. This amendment, first adopted in 1896, provides that a board of fifteen freeholders, who have been for five years electors and residents of the city, shall be appointed by the district judges for a term not to exceed six years, all vacancies to be filled by the judges, and the board to be kept up permanently. This board frames the charter and submits it to the people. It requires a four-sevenths vote for adoption. Amendments petitioned for by 5 per cent of the voters must be submitted. These freeholders' charters are subject to general laws of

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uniform application to cities by classes. The constitution provides that these classes shall be four in number, with population as follows: first class, 50,000 or more; second class, 20,000 to 50,000; third class, 10,000 to 20,000; fourth class, less than 10,000. St. Paul and Duluth, as well as a number of small cities, have obtained home-rule charters under this amendment. The charter framed by Minneapolis in 1898 failed to receive the required number of votes.

In 1902 Colorado adopted the most radical home-rule constitutional provision to be found anywhere in the United States. By its terms every city in Colorado with a population of more than 2000 may elect by general ticket a charter convention composed of twenty-one resident taxpayers. This convention must then proceed to frame a charter which, if approved by the people, will go into effect without any action whatever by the state legislature. The initiative and referendum on the question of a charter convention, on charter amendments, and on other measures, are guaranteed in the constitution, and no charter, charter amendment, or measure adopted or defeated under these provisions can be amended, repealed, or revised except by petition and vote of the electors. Franchises cannot be granted except by vote of the taxpaying electors. By the terms of the constitution, the city "may purchase, receive, hold and enjoy, or sell and dispose of real and personal property; may receive bequests, gifts, and dona-

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tions of all kinds of property, in fee simple, or in trust for public, charitable, or other purposes, and do all things and acts necessary to carry out the purpose of such gifts, bequests, and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust; shall have the power, within or without its territorial limits, to construct, condemn, and purchase, acquire, lease, add to, maintain, conduct, and operate, waterworks, light plants, power plants, transportation systems, heating plants, and any other public utilities, or works or ways local in use and extent, in whole or in part, and everything required therefor, for the use of said city and the inhabitants thereof, and any such system, plants, or works or ways, or any contract in relation or connection with either, that may exist, and which said city may desire to purchase, in whole or in part, the same or any part thereof may be purchased by said city which may enforce such purchase by proceedings at law as in taking land for public use by right of eminent domain, and shall have the power to issue bonds upon the vote of the taxpaying electors, at any special or general election, in any amount necessary to carry out any of said powers or purposes as may by the charter be provided."

Denver voted on its first home-rule charter in September, 1903, and rejected it. But under the constitutional provision, a new charter convention must be elected at once and another charter pre-

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pared by it within sixty days after its election. As long as the people reject the charters submitted to them, the charter-making will continue. The only conservative feature in the Colorado scheme is the limitation of the suffrage to taxpayers when franchises or bond issues to provide for municipal ownership of public utilities are being voted on.

Oregon also has taken up the home-rule movement. The legislature of 1901 appointed a charter commission of Portland citizens to draw up a new charter for that city, which, if approved by the people, was to be submitted to the legislature for passage or rejection without amendment. This program was carried out, and a new charter conferring very extensive powers upon the city was adopted. The legislature of 1901 also proposed a constitutional amendment, granting to all cities the right to frame their own charters by means of boards of freeholders and popular ratification. Charters so adopted would supersede old charters and all conflicting special laws. The amendment also required that the "legislative assembly by general laws shall provide for the incorporation, organization, and classification in proportion to population of cities and towns, which laws may be altered, amended, or repealed." This amendment, as may be readily seen, is far less radical than the Colorado measure, and in one respect gives a less adequate guarantee of home rule than the Minnesota scheme, which definitely limits the



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classification of cities for purposes of general legislation.<sup>1</sup>

Many advocates of municipal home rule fail to comprehend the reasons why the state at large has a deep interest in several branches of municipal government. Where a city is well governed, the state may well be content to leave the administration of public affairs to the local authorities without interference. But when a great city falls into the hands of a gang of municipal pirates who fear neither God nor man, and care nothing for the welfare of the city except that it may be rich for plunder, the state cannot well keep its hands off and see the children educated in "graft" rather than in learning, criminals taken into partnership with government, vice promoted by civic authority, the public health endangered by lax sanitary control, and its own resources impaired by the plunder of the people in its richest cities. Professor Frank J. Goodnow, of Columbia University, has done more than any other American student to point out the balance of interests between city and state.<sup>2</sup> He advocates the grant to cities of comprehensive local authority, subject in its exercise to a con-

<sup>1</sup> In Oregon a constitutional amendment has to be ratified at two consecutive sessions of the legislative assembly before being submitted to the people. The legislature of 1903 ratified the home-rule amendment proposed in 1901, but failed to pass a law submitting it to the people. So it cannot be submitted until after another legislative session.

<sup>2</sup> See his books on *Municipal Home Rule*, *Municipal Problems*, and *Politics and Administration*.

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siderable control by state administrative authorities. He points out how this system has secured to the cities of Germany, France, and Great Britain much wider freedom than American cities have had, while at the same time in these foreign countries general interests are protected and municipal extravagance held in check.

Largely through Professor Goodnow's influence the National Municipal League embodied in its proposed constitutional amendments some provisions looking toward state administrative control as a necessary correlative of local self-government. As every constitutional provision in regard to cities has a bearing on this problem of local responsibility, we may as well review the main features of the League's proposals for incorporation into the fundamental law of the several commonwealths. They are the following : —

(1) Municipal shall be separate from national and state elections.

(2) All municipal officers shall be nominated by petition.

(3) The names of candidates for the same office shall be printed on the ballot in alphabetical order under the title of the office.

(4) The legislature shall not grant any exclusive privilege to private parties.

(5) The city shall have no power to alienate its public places except by a four-fifths vote of the council, with the approval of the mayor. It shall grant no franchise for a longer period than

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twenty-one years. Such grant shall make provision for possible municipal ownership in the future. Every grantee of a franchise shall make financial reports to the city authorities, and the books of every such grantee shall be open to inspection by them.

(6) The power of the city to incur indebtedness shall be limited to a certain per cent of the assessed valuation of real estate subject to taxation within the city, but revenue bonds issued in anticipation of the collection of taxes and bonds issued for the purpose of engaging in remunerative public services shall not be included in the debt limit, provided that these public services are self-supporting. The rate of taxation, except for the payment of the principal and interest of the debt, shall be limited to a certain per cent of the assessed valuation of real estate.

(7) Any city may establish a method of direct legislation and of minority or proportional representation for city offices.

(8) All cities shall keep books of account in accordance with forms and methods prescribed by the state fiscal officer and shall make annual financial reports to him, these reports to be printed as a part of the public documents of the state. The state fiscal officer shall have authority to examine, or cause to be examined, the affairs of the financial department of any city of the state at any time.

(9) Cities may establish minor courts within their limits.

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(10) Every city shall have a council and a mayor elected by the people. The mayor shall appoint or remove heads of departments, except the comptroller, and shall appoint and remove all other officers in the employ of the city, subject to civil service regulations. All persons in the administrative service of the city, except the mayor, shall hold their positions indefinitely.

(11) Cities shall have within their limits the same powers of taxation as are possessed by the state government and shall be vested with all powers of government, subject to the limitations contained in the constitution and laws of the state. Proposed laws applicable to less than all of the cities of the state shall require a two-thirds vote of the legislature, and, unless approved by the city authorities within sixty days, must be repassed by a three-fourths vote of the legislature before going into effect.

(12) The legislature must pass a general municipal corporations act to apply to all cities which choose to adopt it.

(13) Every city with a population of 25,000 or more may frame its own charter.<sup>1</sup>

This elaborate system of constitutional provisions was intended to cover the municipal needs of every state. It will be readily seen by any one at all familiar with the state constitutions that in many states some of these reforms could be carried out by the legislature. But it is mainly

<sup>1</sup> See *A Municipal Program*, pp. 176-186.

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against the bad habits of the legislature that such provisions are aimed. Nothing short of constitutional guarantees will insure the stability of local self-government.

Referring back to our analysis of the main forms of home rule, we find that the local choice of local officers is generally permitted, the most frequent exceptions being in the case of police boards. The traditional American doctrine of local self-government is so perpendicular that it bends backward; for the absolute right of the locality to choose from its own citizens the officers who are to administer the state laws in the city, township, or county, gives the locality the practical right of suspending unpopular statutes. In this way the liquor law of a state is often nearly a dead letter in many cities and towns. The American method of controlling local administration by further legislative enactment has been a failure. So far as the city is the agent of the state for the execution of general laws, the city officers should be under the control of the state administration. In extreme cases it may even be necessary to substitute state appointees for local appointees. Generally, however, sufficient control can be exercised by means of the power of removal, without actually resorting to state appointment. In New York the governor has the right to remove the mayor or the police commissioner of the metropolis under certain conditions. The recent legislation which gave the governor of Pennsylvania the absolute right to

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appoint and remove the chief executives of three great cities for the period of two years was a factional measure, and cannot be considered as a step in the direction of legitimate state administrative control. Suffice it to say, however, that the traditional right of the locality to choose its own officers ought to be established in constitutional law in a somewhat modified form, so that, first, the state government shall have no right to interfere in the appointment of city park boards, boards of public works, and other officials whose duties are strictly local; second, the state administration should have a limited power of removal over mayors, police commissioners, boards of health, and other officers whose duties are both local and general; third, the state government should have the right to appoint excise commissioners, factory inspectors, and other officers whose sole duties arise out of the general law.

The second right of home rule, namely, the right to frame the local charter — to determine the forms of municipal organization — is not in accordance with general American traditions. It involves a curtailment of that legislative control which has been the unfortunate policy of our system. However, as already shown, this curtailment is going on, and to-day there are eight cities in the United States having over 100,000 population, each of which enjoys this right under more or less complete constitutional guarantees. All together about thirty cities in the western states are living under home-

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rule charters. There is no good reason for diversity in the main lines of municipal organization in the several cities of any one state, and yet it seems impossible to get good general legislation on this point. The details of organization ought to be left to the locality in any case, and under existing circumstances there is reason to believe that the whole matter of municipal organization should be left to the people of the locality without any reference to the legislature or the governor for approval or veto.

The third and most important right of municipal home rule — that is, the right of every city to determine the scope of its own functions — is generally included in the right to frame its own charter. It is, however, distinct in principle. Many cities not having the right to frame their own charters have a considerable latitude for expanding or contracting their municipal activities. It is here, however, that the need of municipal home rule is greatest. This applies particularly to problems arising out of the grant or operation of street franchises, but may affect other matters of importance at any time. The American rule of enumeration of powers ought to be reversed, and cities be given a local grant of authority to attend to all local matters, leaving the courts to decide, whenever the question is raised as to the city's overstepping its jurisdiction. It is in this direction that the home-rule program should be most aggressive.

In the matter of taxation and borrowing money the general rule is that the city should be limited

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either by specific maximum levies and loans or by the withholding of these rights except for definite purposes. So far as the latter is true the limitation amounts to an absolute veto upon home rule; for practically nothing can be done without money. It seems perfectly proper that the state should put a definite maximum limit upon local taxation and local debt, though in the case of debt the limit should not apply to debt created for the purchase, construction, or equipment of self-supporting enterprises. So long as we rely upon a variety of taxes for the support of government, it would be advantageous for the state to select certain special sources of revenue for general purposes, and leave the cities free to adopt any other forms of taxation which they might consider advantageous. In this case a debt or tax limit might be put on a per capita basis rather than a basis of assessed valuation. A state municipal government board with authority to advise cities in regard to bonding and taxation, with a veto upon local action within certain limits, might be conducive to careful municipal financiering, and certainly would not be in violation of legitimate home-rule rights.

The most strenuous objection urged against municipal home rule, both in general and in particular cases, is the ignorance or depravity, or both, of the masses of people living in cities. In so far as it is true that city populations are ignorant and corrupt, in so far does home rule become not only expedient, but necessary from the standpoint of



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democracy ; because, according to our theory, self-government and definite political responsibility are the sovereign remedy for ignorance and corruption. Home rule frees the hands of good citizens and offers the opportunity to make one's efforts toward civic betterment count for something. With home rule, an individual citizen, or a body of citizens, is not compelled to confound any project of municipal reform with the irrelevant issues of state and national politics, or to appeal to an irrelevant body of men, chosen by constituencies only remotely interested in the questions involved. The ideal of municipal democracy is to have such a system of government that every citizen who has time, intelligence, and inclination to serve his city, will be enabled to do so with the least possible waste of effort.

The crowning argument in favor of home rule is, that it would make municipal organization more fluid and less cumbersome, more a means of carrying out rather than of tiring out the people's will.

## CHAPTER XII

### MUNICIPAL REVENUES

THE raising of revenue with which to carry out the primary purposes of government is a matter that is all important in its practical aspects. It is in this that the people realize the necessity of paying for the benefits of government. There is no magic in the name of municipal coöperation to conjure up substantial benefits for the public without money and without price. If this practical limitation upon the operation of municipal coöperation prevents the people from enjoying all the imagined advantages of government, it also makes them appreciate better the advantages they do receive and necessitates more or less constant practice of public economy, which, in itself, is a good thing for the people under the conditions of life that surround us all.

The thirty-eight American cities with a population of over 100,000 have a total net indebtedness of about \$55 per capita, and spend \$20 per capita every year for maintaining their governments.<sup>1</sup> In other words, the people of these cities spend \$20 a

<sup>1</sup> The data here given are taken from the *Bulletin* of the United States Department of Labor for September, 1902, in which are given "Statistics of Cities."

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year of their own money for the benefits of municipal government, and have spent in addition a total of \$55 apiece for public improvements generally called permanent. So far as these improvements are unproductive, this expenditure is the expenditure of our children's money. New York and Boston are by long odds the most expensive of these cities. The net debt of each is more than \$80 per capita, while the current expenditures are nearly \$30 per capita for New York and nearly \$40 for Boston. It should be stated also that these thirty-eight cities own property, not counting streets and sewers, which is worth in the judgment of the city authorities about \$125 per capita. Of this property \$85 per capita is in the form of parks, other lands, and public buildings which are not financially productive, and, in all likelihood, will never be turned into money. The annual cost of the government is \$20 per capita in addition to the free use of this property for governmental purposes. The productive and semi-productive public works, such as waterworks, gas-works, docks, markets, ferries, bridges, and cemeteries, amount to a little over \$40 per capita in value, in the opinion of the city officials.

Some allowance should be made for exaggeration in estimating the value of municipal assets. There is no adequate standard by which to measure these values. Often the estimate is based on the cost, as, for example, the city hall and city hall site of Philadelphia, which are set down as worth

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\$25,000,000. The improved streets and the sewers of a great city are of course of immense financial value to the citizens. It is certain that they would more than make up for any exaggerations of city officials in estimating other assets, though they are not to be considered productive property in any ordinary sense. The streets, however, are generally heavily encumbered with franchises held by private companies for which the city has received little or no compensation.

So, although we can claim that along with the debt of \$55 per capita we are bequeathing \$125 per capita of public property, making a net bequest of \$70 apiece to the future as a result of our industry, wisdom, and foresight, we shall have to admit that this property is mostly of the kind that will require an annual expenditure for its maintenance and preservation, while the street franchises, well-nigh imperishable assets, of constantly increasing value, have been in many cases alienated for all time to come. Productive property is the only legitimate basis of a standing debt, and, judged by this principle, we are clearly in arrears to the coming generations.

Of the nearly \$300,000,000 net receipts of the thirty-eight largest cities of the United States for the year 1901, about 61 per cent was derived from the general property tax, 7 per cent from liquor and other license fees, 5 per cent from special assessments, 10 per cent from waterworks, gas-works, docks, etc., 1 per cent from fines and official fees,

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1 per cent from franchise sales and franchise taxes,  $2\frac{1}{2}$  per cent from state subsidies, and  $12\frac{1}{2}$  per cent from miscellaneous sources. The bulk of this last item was made up by New York, Boston, and Cincinnati. The Cincinnati item was principally income from the Cincinnati Southern Railroad, and the Boston item income from the sale of water-works to the state and from poll-taxes. New York's income of ten and one-half millions from miscellaneous receipts included the bank tax and other items not so easily discoverable.

The sources of municipal revenue may be roughly classified as follows : —

1. Taxation on property.
2. Special assessments.
3. Public industries.
4. The sale of privileges.
5. License and poll-taxes.
6. Fees.
7. Subsidies from the state.
8. Gifts from private persons.
9. Loans.

Let us take these up in reverse order. We may pass over loans, as they form a secondary source of income, and must be paid out of receipts from other sources. Besides, the question of municipal debt will be treated separately in the next chapter.

Gifts are not of much importance as contributions to current revenue. Indeed, their acceptance generally involves an increased draft upon other sources of income for annual revenue. This is

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notably true where library buildings, public baths, and park lands are given to cities. Mr. Carnegie has made a specialty of library buildings, always attaching as a condition that the city shall appropriate a certain amount of money every year for the purchase of books and the expenses of maintenance. Springfield, Massachusetts, has built up its great park by a series of gifts and purchases mixed. The public baths of Baltimore are the gift of a private citizen. Almost every city has something to be credited to the generosity of its wealthy citizens. Grand Rapids, where the complaint is often heard that its wealthy citizens are devoid of public spirit, nevertheless received as a gift the original portion of its most celebrated park, and is just now receiving from a former citizen a beautiful \$250,000 library building. The city also holds one small park and a scientific museum as the result of private benefactions.

State subsidies are of little importance as a source of revenue to American cities except for school purposes. Many of the commonwealths have established state funds for the encouragement of education, from which payments are made every year to the municipalities in proportion to their school populations. Seventeen out of thirty-eight cities, having more than 100,000 population each, receive in the aggregate between \$4,000,000 and \$5,000,000 a year for this purpose. Michigan is especially generous in this particular, having given to every locality the sum of \$3.10 for every child of

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school age in the year 1903. This money is mostly derived from railway taxes, taxes on express, telephone, and telegraph companies, insurance taxes, inheritance taxes, and franchise fees. Under the state constitution a separation of the sources of revenue for state and local purposes is impossible. The state is required to distribute to the localities the largest share of the money it collects, while for state expenses the localities are all required to contribute in the form of direct taxation on property. Under normal conditions state subsidies for local purposes are hardly justifiable, and when they are granted for semi-local purposes, such as education, they should go hand in hand with state control. Indeed, in some cities where the police or other municipal departments are under state control, conditions are reversed, the locality being compelled to pay all the expense, while the department is amenable to the state government alone. Americans are not slow to see the injustice of this, though they are sometimes unable to escape from it. The city of Washington is exceptional in many ways. It is altogether under the control of the federal government, and half of its ordinary receipts is in the form of an appropriation from the general treasury. In a sense liquor-license money collected by state officers and turned over in part to municipal authorities is in the form of a state subsidy. In New York, where all liquor taxes are collected by the state excise commissioner, the cities receive two-thirds of the amount collected

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within their limits. In Michigan collections are made by the county treasurers, and one-half of the receipts is turned over to the cities, villages, and townships, while the rest goes into the general fund of the county. State subsidies for local purposes are in general to be discouraged. They tend to develop extravagance and beggary on the part of the localities. State control can better be exercised in other ways, such as the state supervision of accounts, tax levies, and bond issues.

Fees form another comparatively unimportant source of city revenues. The fee system has been prevalent in county government, always tending to corruption where the county includes a large city. In order to avoid this evil, county officers have been put on salaries, in whole or in part, in New York, South Carolina, Ohio, Michigan, California, and I know not how many other states. The fee system is not generally applicable to city officers, the nature of their duties being such as to make the charging of fees either impossible or obnoxious. To be sure, the police are often supposed to raise a considerable illegal private revenue from blackmail in the nature of license or inspection fees, but for the police department to charge fees for legitimate protection would be quite contrary to our ideas of government. It is not uncommon, however, for cities to collect fees for the inspection of building plans, of plumbing, and of street work. These fees, as a rule, belong to the city, not to the officials who perform the service. While we need



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not regard the charging of fees for services rendered as in all cases out of place, still the ordinary services of a city should for the most part be free. It is often desirable to charge a small fee in connection with public baths, concerts, theatrical entertainments, and so forth. But I do not include among fees the charges made to consumers of public utilities and similar industries. It is the usual rule to make a charge for such services, sometimes more and sometimes less than enough to meet expenses.

Another and much more important source of municipal revenue is license and poll-taxes. I class them together, as a poll-tax is in the nature of a license to live within the city where it is levied. Americans do not always pay their licenses to live in the cities of their choice. In the year 1901 Boston levied a tax of \$2 per capita on 172,445 polls, and collected during the year \$106,221 or 31 per cent of the whole amount. The cost of assessment and collection of poll-taxes was approximately 43 per cent of the total amount collected. This record would compare favorably with the dog-license record of many an American city, where the freedom-loving dogs resent the imposition of a poll-tax and defy the authorities. Luckily the penalties visited upon the delinquent polls in Boston are less severe than the impounding and asphyxiation to which the dogs are liable. Boston citizens do not even lose their suffrage in default of payment of their poll-taxes. In certain

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southern commonwealths the poll-tax is being used as a means for the limitation of negro suffrage. For such a purpose, where the authorities are sufficiently interested in the project, the poll-tax may be an effective instrument. As a means of raising revenue or of decreasing population, it is a failure.

Business licenses are more commonly required in southern cities than in northern, except for the conduct of saloons and restaurants, and some minor lines of trade, usually having special relation to the street, such as running hacks and drays, fruit stands, huckster wagons, etc. Specially doubtful enterprises, such as fortune-telling, clairvoyance, auctioneering goods on the street, and pawnbroking, are generally required to pay for the privileges of the city. The regular professions and the high-class legitimate businesses are not often subjected to a license tax except in the South. License taxes other than the liquor tax make up of the total revenues of Mobile, 25 per cent; of Birmingham, Alabama, 21 per cent; of Montgomery, Alabama, 18 per cent; of Charleston, 14 per cent; of Norfolk and Savannah,  $12\frac{1}{2}$  per cent; of Knoxville, 11 per cent; of Atlanta, 7 per cent; of New Orleans, 6 per cent; of St. Louis, 5 per cent; of Kansas City, Missouri, and Louisville, 4 per cent; of Richmond, Virginia,  $2\frac{1}{2}$  per cent; while the average for the large cities of the country is only a little over 1 per cent. The difference between northern and southern influences in this respect is seen very markedly in the contrast between Cleveland and

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Cincinnati, cities at opposite extremities of the same state. The latter received in 1901 almost twenty times as much from licenses, other than saloon licenses, as the former. The raising of revenue by license taxes on legitimate businesses, except where they call for special protection or regulation, and the license fees are levied to meet the expense of this, is not regarded as a satisfactory form of taxation in progressive communities. There is a feeling that every legitimate field of trade or work should be left as free as possible to open competition.

The liquor traffic is peculiar in that it is universally regarded as a dangerous and only semi-legitimate business. License fees of considerable magnitude are imposed upon it everywhere, partly to cover the cost of public surveillance, partly to discourage the consumption of liquor through raising its price and diminishing the number of saloons, and partly as an easy means of raising revenue for general purposes. In 1901 the saloon contributed over \$20,000,000 to the support of the city governments in our cities of more than 100,000 population. In this matter also there is a marked difference between northern and southern cities, the former levying much higher license taxes upon the saloons than the latter. The curious difference between the North and the South in this matter of license taxes can be seen at a glance in the following comparisons of cities having about the same population.

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CITY	POPULATION	RECEIPTS FROM LIQUOR LICENSES	RECEIPTS FROM OTHER LICENSES
St. Louis . . .	575,238	\$ 1,051,969	\$655,175
Boston . . . .	560,892	1,437,281	48,524
Baltimore . . .	508,957	408,798	79,467
Pittsburg . . .	321,616	515,723	100,037
New Orleans . .	287,104	151,500	269,547
Detroit . . . .	285,704	273,889	16,520
Jersey City . . .	206,433	253,079	7,382
Louisville . . .	204,731	136,565	136,199
Minneapolis . .	202,718	351,000	28,912
Dayton . . . .	85,333	63,823	2,562
Richmond, Va. .	85,050	18,125	40,945
Wheeling, W. Va.	38,878	38,936	6,432
Mobile, Ala. . .	38,469	10,430	63,044
Knoxville, Tenn..	32,637	13,000	30,684
Schenectady, N.Y.	31,682	37,483	1,281

While similar comparisons could not be made in every case between northern and southern cities, they represent the rule rather than the exception. I do not know why northern cities should tax the liquor traffic so much more severely than southern cities, unless it be that the evils of the liquor traffic are more apparent in the north on account of the colder climate and the greater proportion of European-born inhabitants. At any rate the liquor tax is a poor source of revenue for municipal government. If the business is regarded as thoroughly legitimate, it ought not to be taxed more than

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other branches of trade. If the tax is to meet the expense of the extra policing demanded by the nature of the business, then some better way should be devised for estimating this expense and devoting the tax directly to it. If the tax is for the purpose of raising revenue for general purposes, it has one merit, and that is success. But this success is attained by governmental alliance with a business which, in the judgment of most thoughtful men, needs to be curtailed and discouraged rather than promoted. The English commons won sovereignty from the king because they held the purse-strings. Democracy should hesitate long before it surrenders to the liquor traffic the control of cities in return for fat revenues.

Somewhat allied to license fees as a source of revenue is the sale of special privileges or franchises. It is now well known that the franchises of a great city, under the conditions ordinarily imposed, are of enormous value. A franchise has value only in so far as it partakes of the nature of a monopoly in practical operation. Unless the monopoly element enters in some degree, the franchise is a mere license or permit.

The movement for the taxation of franchises as real estate has gained considerable headway since it was put into practical operation in New York a few years ago. A franchise is undoubtedly a right to the use of land and should be classed along with landed property strictly. The taxation of franchises is in no sense a compensation for them.

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It is simply the taxation of a certain amount of very real property that is in private hands. Nevertheless, in bringing this class of property upon the tax rolls, when up to this time it has been as clearly and universally exempt as United States bonds, we take out of its value a sum equal to the amount of taxes annually paid capitalized at the normal rate of interest. For example, supposing that the city of Gasopolis twenty years ago gave to a company the right to use the streets for the purpose of distributing gas to be sold at a maximum price of \$1.00 per 1000 cubic feet, the franchise to continue for forty years, subject to such regulations and conditions as may have been imposed when the charter was granted. Now suppose that the company invested \$100,000 in the construction of its gas-plant and distributing system, and is now able to pay a normal dividend upon \$200,000 worth of stock. We should say that the franchise of the company under the existing conditions is worth \$100,000. If we have been taxing only visible property, we have the gas company assessed for \$100,000 only. That has been the condition under which the franchise was worth the other \$100,000. If now we begin to tax the franchise as real estate, and put the whole \$200,000 upon the tax rolls, we have taken away a certain amount from the value of the property. If the tax rate is 2 per cent, for example, the amount of taxes received on account of the franchise will be \$2000, and the franchise itself will be worth \$2000 per year less

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to its owners. If the normal rate of interest is 5 per cent, then the value of the franchise will have been diminished \$40,000, which is \$2000 capitalized at 5 per cent. By bringing the franchise under the tax law, the government will thus confiscate 40 per cent of the value of the franchise. Yet this is confiscation only in the same sense that any new tax involves confiscation. Nevertheless, in this hypothetical case we should have the gas company assessed at \$200,000 when its property, under the new condition involved in the taxation of the franchise at its previous value, has been reduced in value to \$160,000. Under the circumstances, therefore, the franchise should be assessed at less than its previous value. If assessed at \$71,428.57, its value will be brought down to exactly that amount, and the tax will be just.

We must not be deluded, however, by the idea that by taxing a franchise we receive compensation for it. It would be absurd to say that a grant of land by the government is not a gift, because the land is taxed at its full valuation after it becomes private property. If I sell my neighbor a house, he is not relieved from paying taxes because he bought the house. True, one of the conditions that fixed the price of the house was the general fact of its being property subject to taxation. And so if the city sells me a franchise and I pay full value for it under the condition that it shall be exempt from taxation, then if later the city taxes the franchise, in justice it should return

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to me, not the whole amount I paid for my special privilege, but just the difference in value between the franchise taxed and the franchise not taxed.

The only possible excuse for *giving* away any franchise is the desire to "build up the country," to encourage the development of property for the benefit of the community and as a basis for future taxation. Upon this theory franchises were given away in the earlier history of most American cities. Indeed, new franchises are still given away on that theory in many cases, especially where the grant is made for the development of a new kind of public utility such as the distribution of heat and cold. This is precisely the same theory on which the United States has given away lands of great potential value to actual settlers.

But for any city of considerable size now to give away a street railway, gas, or electric light, water, or telephone franchise on the same conditions under which similar franchises now have an immediate and real market value is, unless to be regarded as charity, a rank injustice, a governmental iniquity, — for what else is it to give to one the property of all? And, indeed, to sell a franchise on condition that it shall be exempt from taxation is a ruinous mortgaging of the future. For example, if the city of Gasopolis now sells a twenty-year franchise under condition of exemption from taxation, it will receive \$100,000 in cash, which may be immediately devoted to some permanent public



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improvement requiring the expenditure of that amount. If, on the other hand, the franchise is sold subject to taxation, the city will receive only \$71,428.57 down and will have to borrow the remaining \$28,571.43 needed for the desired improvement. If the city pays  $3\frac{1}{2}$  per cent interest on this sum, it will amount to exactly \$1000 per year. On the other hand, the city will be receiving 2 per cent in taxes on \$71,428.57, which is the value of the franchise. This will amount to \$1428.57 per year, so that the city will be the gainer by \$428.57 annually.

Without going further into mathematical subtleties, we may say that under normal conditions in matters of taxation and municipal credit, it is more profitable to sell a franchise subject to taxation than to sell it exempt. In either case the lump sum received can be properly expended only on improvements lasting as long as the franchise. In other words, the sale of franchises in this way should never be made to supply current revenue. That would be following the old New York custom of selling land to pay current expenses. The present value of a franchise is of course dependent upon many circumstances. If I am to pay \$100,000 for a forty-year franchise, I must expect that during this period I will be able to secure net profits from the operation of my plant sufficient to cover the interest at the normal rate for the whole period upon the cost of the plant and also to return to me my \$100,000 with interest. In order to fulfil this

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condition, it may be necessary during some part of the period to receive two or three times the normal rate of interest on the whole amount. All these things tend to make the sale of franchises for lump sums an unprofitable policy.

It remains for us, if we are to receive any compensation for franchises, to arrange for it on the basis of annual rental in some form or other. The form most often advocated is that of a percentage of gross receipts. This plan recognizes the changing value of franchises from year to year and the impossibility of lumping them off in advance. It may take the place of the *ad valorem* tax, or may be simply for the purpose of providing an annual rental in payment for the franchise. In the former case it combines the purchase price of the franchise with the taxation of the franchise and the other property held by the grantee. In whatever way we get at it, the important thing is not to confound compensation for a franchise with the tax levied on it as property. The franchise originally belongs to the city, and if it is worth anything, should be paid for and then taxed equally with other property that is acquired by purchase.

As I have said, the value of a franchise depends on the monopoly element in it. This may be expressed in the grant or may be simply the result of conditions which discourage or prevent competition. In the nature of the case a franchise for the establishment of a continuous line of fixtures

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in the street tends toward monopoly. It is open for a city to adopt one of two courses toward these privileges. First, the city may cultivate the monopoly features in order to raise a revenue from them. Or, second, the city by regulation may hold down prices or hold up the service to the point where the monopoly principle loses its venom, and the franchise has no value. Usually this question resolves itself into the question of a percentage of gross receipts for the city treasury or lower fares for the street-car passengers, lower tolls for the telephone patrons, or lower prices for the gas, water, and electric light and power consumers. There is comparatively little clear thinking on this question in American cities, and every man answers it according to his instincts. If he is a large property owner, he is anxious to relieve himself of a portion of the burden of direct taxation and favors selling franchise-monopolies so as to replenish the public treasury. If, on the other hand, he is poor or in very moderate circumstances so that his street-car fare, his water rate, and his gas bill are a burden to him, he wants prices reduced so that he can get transportation, water, and light at cost. It is generally agreed that a consumption tax on the common necessities of life operates as a special burden upon the poor, and is therefore unjust and undemocratic. On this theory, then, democracy will insist that franchises for the supply of the common necessities of urban life must have their value regulated out of them in the interest of

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cheaper and better service. It is not inconsistent with this theory, however, to leave enough value in franchises to pay all the expenses incidental to their exercise. That is to say, it may be proper to require street-railway companies to pay into the public treasury, in addition to any tax that may be levied on their property, a sum sufficient to reimburse the city for all extra expense in the construction and care of streets caused by the presence and activities of the street-railway business. The taxpayer has no claim to relief by means of the profits of public utilities except in so far as he furnishes a street specially prepared for their fixtures. It is the user that makes a public utility profitable, and consequently he should get the benefit.

The United States Department of Labor *Statistics of Cities* shows that American cities received in 1901 about \$4,000,000 from the tax on franchises, and about \$700,000 by the sale of franchises. The special United States Census *Bulletin* on "Street and Electric Railways" gives the total capital stock and funded debt of these enterprises outstanding June 30, 1902, as \$2,308,282,099. The total amount paid in dividends and interest for the year was approximately \$83,000,000. Capitalized at  $4\frac{1}{8}$  per cent, this would make the market value of street-railway securities in the United States an even two billion dollars. I use  $4\frac{1}{8}$  per cent as the basis for capitalization because this is the ratio between the sum of dividends and interest payments and the market

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value of the securities of the Chicago street railways discovered by the agents of the Chicago Civic Federation in the only scientific street-railway investigation of importance yet reported in this country.<sup>1</sup>

The Chicago companies opened their books to the Federation, and, upon the basis of an expert examination made in 1898 and supplementary statistics for the three or four years following, Mr. Malthie found that on July 1, 1901, the securities of the Chicago street railways had a market value of \$120,000,000, and their assets, excluding franchises, an estimated value of about \$45,000,000, leaving approximately \$75,000,000 or 62 per cent of the total for the value of the franchises. Figuring on the same relative value in the street-railway business elsewhere, we should find the street-railway franchises of New York worth \$240,000,000, and those of the whole United States \$1,240,000,000. This is, of course, an exceedingly crude way of estimating the general value of franchises, as conditions differ very materially in different cities, especially where there are great differences of total population and density. The topography of the cities and the conditions of the franchise grants also make material differences in the street-railway business. The assessed valuation of all New York City franchises, including gas and electric light as well as street-railway rights, was, in 1901, \$211,000,000.

<sup>1</sup> See *Municipal Affairs*, June, 1901, pp. 439-694.

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It will be noted that the sum received by American cities from the franchise tax and from the sale of franchises is ridiculously small when compared with their actual value. According to the estimates just made, the cities would have received, with a tax rate of only 1 per cent of full value, \$12,400,000 from street-railway franchises alone. Some slight deduction should be made for franchise values in cities of less than 30,000 population, from which the figures are not included in the statistics of revenue furnished by the Department of Labor. The total combined capitalization of the electric light and gas companies is about one-half as much as that of the street railways.<sup>1</sup> If the franchise values hold the same proportion to the totals, we shall have to add 50 per cent to our estimate of what a one per cent tax would amount to, making a total of more than \$18,000,000, or nearly four times as much as the cities actually received from both taxation and sale of franchises in 1901.

One method of receiving compensation for franchises, now often advocated, is by the provision in the grant that the grantees' plant and property in the streets shall fall to the city without compensation at the expiration of the franchise period. Such an arrangement for franchise grants is now optional with New York, Chicago, San

<sup>1</sup> See *Census Bulletin No. 123* for "Gas," and *Bulletin No. 5* issued by the Department of Commerce and Labor, Bureau of the Census, for "Central Electric Light and Power Stations."

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Francisco, and some other cities in different parts of the country.

Some of the provisions of the newer charters, especially those of western cities, are interesting and instructive. St. Paul and Portland, Oregon, represent two distinct policies with reference to public utilities. St. Paul does not permit municipal ownership of street railways or commercial lighting plants. Nevertheless, close restrictions are put upon the grant of franchises. They require a three-fourths vote of all the members of each branch of the city council, and if vetoed by the mayor, they must receive a four-fifths vote for repassage. Every franchise must provide for the payment of at least 5 per cent of the gross receipts into the city treasury. No exclusive franchise can be granted, and no franchise at all granted for more than a twenty-five-year period. Every franchise-holder is required to make an annual report to the city comptroller, showing in detail the financial statistics of his business for the preceding year. The council is forbidden to grant any extensions of any kind to existing franchise companies except on their written agreement to exercise their present franchises under all the terms and conditions of the charter, including the payment of the percentage of gross receipts.

The Portland charter grants to the city complete authority to own and operate public utilities. If franchises are granted, the power to tax them like other property cannot be bargained away. Grantees

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may be required to pay a percentage of gross receipts in addition to all other forms of compensation, and must in all cases make financial reports to the city auditor according to forms prescribed by him. Whenever a franchise is applied for, the executive board, which I have described in a preceding chapter, is required to make an estimate of the value of the franchise on the basis of either a cash payment or an annual percentage of gross receipts.

A recent act of California, applying to all cities which have not covered the same subject by home-rule charters, requires that when a franchise is petitioned for, the city council shall advertise for bids on the basis of a payment of 2 per cent of the gross receipts after the first five years. When the bids are opened, any responsible party may raise the highest bid by not less than 10 per cent, and this bid may be raised in like manner. The franchise goes to the highest bidder who is able to establish his good faith by prompt payment of the price offered. All these western laws are of too recent origin to have been tested very fully in their practical workings.

Provisions for the sale of franchises are not confined to the home-rule charters of western cities. Even New York, the mother of American municipal improvidence and the ancient exemplar of the "piracy of public franchises," has at last got a charter that protects in some fashion the remnant of public privileges still within the city's



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gift. The most common form of payment for street-railway franchises has been hitherto the assumption by the franchise-holders of certain special duties in the care of the streets. Baltimore was the wisest of all our great cities when the street railways came in, and required them to assume paving burdens that have amounted to millions of dollars. Philadelphia has also received a small part of the value of her franchises in street improvements made or paid for by the street railroads. This, however, is the old form of compensation which does not appear in immediate expenditure and does not satisfy the demand of the people nowadays for a cash payment into the city treasury in return for a valuable privilege. There is nothing especially wrong with the paving tax, provided that the street railways pay in cash the extra cost to the city of paving between and near the tracks. This ought to be reckoned as a part of the cost of the business. The trouble comes where, as in Philadelphia, the franchise companies assume indefinite burdens, and, instead of paying the city for the paving work, do it themselves. Then the city does not know what it is getting for its franchises.

This question of whether franchises should be sold or made valueless by regulation is closely allied to the question of policy in relation to public industries as revenue producers. It makes no difference in the principle whether the franchise is sold by the city or is operated for profit by the city. Municipal ownership and operation of all

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franchises is often held up as a possible and proper source of large net revenues to the city. If the theory suggested in a preceding paragraph is correct, then this idea of making public industries a source of net revenue to help pay the cost of the general functions of government is all wrong. Public utilities are undertaken by the city usually because they are matters of common necessity, and should be distributed to the people as cheap as possible. The transportation system of a city ought not to be operated on the principles of the "hold up" by our taking advantage of the necessities of travel to levy tribute upon the people. It ought rather to be conducted on broad principles with a view to performing the greatest possible social service within the limits of self-sustenance. If this policy were followed, an equilibrium between the tendency to lower fares and the demand for better service would be maintained at a point where the system would be fully self-sustaining and no more. The same should be true of municipal waterworks and lighting plants.

In regard to other forms of public industries, if any are undertaken, such as cemeteries, markets, slaughter-houses, dairies, pawnshops, coal yards, etc., the same principle should apply. The city government is hardly justified in going into business for profit. It is only on account of the necessity for regulating prices or the character of the service that a city may go into any of these enterprises, except on the out-and-out socialistic

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principle, and under that condition profit would certainly not be justifiable. It is safe to say that public industries ought not to be regarded as a legitimate source of general municipal revenue. When the city is compelled to take over any industry for the protection of public interests, that industry should be put under a separate bureau of administration and a strict account of all its operations kept. Water, light, and other commodities used for public purposes should be credited to the appropriate bureaus, and interest on debt, depreciation, taxes, and all expenses incurred on account of the public industries should be charged up to those bureaus. Every industry should be made safely self-sustaining, but no more than that. There might be an exception made in favor of public baths or other semi-free services.

Strictly speaking, public industries ought not to be compelled to provide sinking funds for the liquidation of their debt, provided that they keep the plant strictly as good as new and lay aside a reserve fund to cover necessary displacements through new inventions, improved processes, etc. Nevertheless, debts should be paid, and all public plants should as soon as possible become the unencumbered property of the city. If a public industry is fully and absolutely self-sustaining, the plant, which becomes the property of the city as a whole, should be paid for out of taxes. The industry ought to pay into the city treasury an amount equivalent to the taxes that would be

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collected, if it were in private hands, plus the interest that the city would have to pay on borrowed capital. This is a part of the expense of a self-sustaining business. But the debt itself is another thing. All permanent improvements, requiring the issuance of long-time bonds, if legitimate governmental enterprises, are undertaken for the public benefit, and the discharge of the debt ought to be laid as a burden upon the public through the ordinary modes of raising revenue for general purposes.

If our conclusions thus far have been correct these modes must be either by special assessments or by general taxation. It is an almost universal practice in the cities of the United States to provide for what are termed local street improvements, in whole or in part, by special assessments. These special assessments are usually levied for grading and paving streets and for putting in lateral sewers. Assessments are often levied for purchasing the land required to open streets or construct sewers, and any local improvements which may be construed to be of particular benefit to the real estate in the vicinity may be paid for by special assessment.

It is customary for the city to pay a certain part of the cost of these improvements, — at least enough to cover the cost of the improvement at street intersections and the cost of cross walks and all improvements in front of city property. The part of the cost which is paid by special assessments is usually levied in one of two ways: —

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*First*, the cost may be levied upon abutting property in accordance with the number of feet frontage of each lot. In this case the making of assessment rolls is a very simple matter.

*Second*, the special assessments may be levied upon all real estate within a designated district, in accordance with the estimated benefit received by each lot, or in accordance with the assessed valuation of the lots. If in accordance with the estimated benefits, the process of making out the special assessment rolls becomes somewhat difficult and complicated, involving careful investigation and the exercise of nice judgment on the part of the assessing officers. The problem is less difficult if a special assessment district is established and all real estate within it taxed pro rata for the improvement.

It is customary for the city levying an assessment to make it payable in several instalments, so that the burden of the improvement will not fall too heavily upon the private owner at any one time. Where this is done, the city usually issues special short-time improvement bonds in anticipation of the collection of the assessments, but interest is often charged the private property holders on all assessments remaining unpaid after the roll has been confirmed.

There is, perhaps, no department of municipal government in which there is more variation of practice than in the levying of special assessments, and on account of established habits in this very

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important matter in the different cities of a state where special charters have been the rule, special assessments would prove one of the greatest stumbling-blocks in the way of a general municipal corporations act applicable to all of the cities of the state, unless this general act left the determination of the methods of levying special assessments to each individual city.

The general municipal corporations act proposed by the National Municipal League as a part of its program provides that "the city shall have power to make local improvements by special assessment or by special taxation or both, on property adjudged to have received special benefit, or by general taxation; the ascertainment and apportionment of the benefits derived from such local improvements shall be made in accordance with state laws."<sup>1</sup> The league's program further provides, however, that no improvement, to be paid for by special assessment, shall be undertaken without the consent of the majority in interest and number of the owners of the property to be assessed, except on an affirmative vote of three-fourths of all the members of the council approved by the mayor after a public hearing.

According to the charter of Detroit, paving and grading of streets, except at the intersection of cross streets, must be paid for by the owners of the abutting property in proportion to the frontage of the lots, but if, on account of the triangular or

<sup>1</sup> *A Municipal Program*, p. 197.

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irregular shape of a lot, it would be assessed too much according to this rule, the council may provide for paying a part of the assessment out of the general road fund.

The charter of Grand Rapids provides that the council may determine that a public improvement shall be paid for, wholly or in part, by special assessments on the property benefited. The council is required to establish a special assessment district. The assessment rolls are made out by the board of assessors of the city and confirmed by the council. The council may authorize the issue of street-improvement bonds to run no longer than five years, and assessments may be divided into instalments payable one each year, with interest at 6 per cent on all that remains unpaid, until due. If not paid then, 10 per cent is added.

The municipal code, enacted in 1902 by the general assembly of Ohio, contains some interesting provisions for special assessments. The council of any municipal corporation is authorized to assess upon "abutting, adjacent and contiguous or other specially benefited lots or lands" any part of the entire cost and expense of street improvements, including paving, repaving, repairing and constructing sidewalks, sewers, or drains, and also any part of the cost of lighting, sprinkling, sweeping, or cleaning the streets or planting shade trees.

These assessments may be made by any one of three methods: —

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*First*, by a percentage of the taxable valuation of the property assessed.

*Second*, in proportion to the benefits resulting from the improvement.

*Third*, by the foot frontage of the property abutting on the improvement.

The city must pay "such part of the cost and expense of improvements for which special assessments are levied as the council may deem just," being not less than one-fiftieth of the total; and shall, in addition thereto, pay the cost of street intersections. However, in all cases of assessments, the council must limit them to the special benefits actually conferred, and in no case may special assessments be levied exceeding 33 per cent of the taxable valuation of the property assessed within a period of five years, and assessments for main sewers must not exceed the estimated cost of ordinary street sewers. No lots are to be assessed that do not need local drainage or that are provided with it already. Whenever a special assessment has been levied for the improvement of the streets, the property assessed cannot be again assessed for more than one-half of the cost of repaving and repairing the street, unless the grade is changed. The council may provide that assessments shall be payable in from one to ten instalments, interest on bonds to be included in the cost. No public improvement which is to be paid for in part or in whole by special assessments can be made without the concurrence of three-fourths



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of all the members of the council, unless the owners of the majority of the foot frontage to be assessed petition for the improvement. The council is authorized to appoint two citizens, owners of abutting property on any street, to serve with the street commissioners in supervising the repair of the street, the planting and taking care of shade trees, and sprinkling, sweeping, and cleaning the street. These citizens, with the street commissioners, constitute a board which may make contracts for performing the services mentioned.

In Indianapolis, the board of public works is authorized to apportion damages and benefits whenever private property is appropriated for street openings or other public uses. In the case of street openings within the city or within four miles of it, a list of owners or holders of property or of valuable interest therein to be beneficially affected must be prepared. This list must not be confined to owners of property along the line of the proposed work, but must extend to all property taken, benefited, or injuriously affected. Damages and benefits in these condemnation cases are to be awarded without reference to each other, and any balance of benefits over damages accrues to the city. The cost of street improvements is levied according to foot frontage, and the whole cost is paid by such special assessment, except one-half of the cost of street or alley intersections, this portion being levied upon the property abutting upon the intersecting streets and alleys for the

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distance of one block in each direction. The assessments are made without reference to assessments for taxation. The assessment includes principal and interest, together with the cost of foreclosure and a reasonable attorney's fee where the land has to be sold for collection. Assessments may be paid in ten annual instalments with interest. Any one wishing to take advantage of this privilege must sign an agreement within thirty days after the allowance of the final estimate, that he will make no objections to any illegality or irregularity in the assessment of his property. If this agreement is not signed and filed within thirty days, the whole assessment becomes payable in cash. Assessments for sewers, drains, and levees are made in a similar manner. The cost of sprinkling streets is assessed against the adjoining property, while the cost of sweeping or cleaning them is paid out of the city treasury. The board of public works may let contracts for the construction of lamp-posts, the cost to be assessed against the abutting property. The cost of ordinary local sewers is assessed against abutting property, but where the sewer is to provide drainage for a district, the extra cost of making the large sewer is assessed upon all the property of the district including the abutting property.

The law for the government of cities of the second class in New York provides that the expense of opening or altering streets shall be borne by the franchises and real estate benefited

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thereby to be assessed in proportion to benefits in the districts of benefits. The expense of improving a street must be assessed upon the property abutting upon the street as nearly as possible in proportion to benefits without reference to any existing improvements. After a street has once been paved and curbed by special assessment, every expense for keeping the street in repair and cleaning from sidewalk to sidewalk must be borne by the whole city, except that the railway companies must keep the street in repair between their tracks and for two feet on each side. The expense for the construction of sewers is borne in the same way as that for opening streets.

The charter of St. Paul gives the city the authority to condemn land for public parks, markets, all kinds of street improvements, drainage, etc. The expense of acquiring this land and of making the local improvements is defrayed by special assessment on the real estate benefited, excepting that the construction and maintenance of crosswalks, and sidewalks next to public places, must be paid out of the general fund, and the council may pay the expense of improving or ornamenting parks and paving and grading street intersections wholly or partly out of the general fund. After any local improvement has been determined upon and the contract awarded, it is the duty of the board of public works, before the contract is executed, to determine the district within which property will be specially benefited

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by the improvement, and compute the total valuation of the property within the district. If the total cost of the improvement exceeds 25 per cent of the assessed valuation, the council may either make provision for the payment of the excess out of the general fund or cancel all proceedings taken thus far.

By the general laws of Missouri for the government of cities of the second class, which have a population of from 20,000 to 100,000, provision is made that the council may cause streets to be improved and, if the improvements are petitioned for by the resident real-estate owners owning a majority of the foot frontage, may cause the expense of the improvements to be paid by means of "special tax bills," the Missouri term for special assessments. The cost of constructing sidewalks, including curbing and guttering, must in all cases be paid by special tax in accordance with the foot frontage. The cost of grading a street, exclusive of grading the sidewalks, must be charged as a special tax on the adjoining property in accordance with the value of the real estate, exclusive of improvements. The expense of other street improvements is to be levied by special tax according to frontage. When a petition is required for an improvement, it is sufficient if signed by property holders owning a majority of the front feet owned by residents of the city. Special tax bills may be made payable in five equal instalments, bearing interest at 7 per cent. Three-

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fourths of the expense of sprinkling and cleaning streets may be levied by special taxes on the abutting property according to frontage, the remaining one-fourth of the cost to be paid out of the city treasury. Sewers are divided into three classes: public, district, and private sewers. Public sewers are to be established along the principal courses of drainage and paid for by general tax. District sewers must be paid for by special tax upon all the lots in the whole district in proportion to area. Private sewers may be constructed under public regulations at private expense.

New York City and Chicago have paid for their street improvements very largely by special assessments, but Boston has experienced great difficulties in applying the system. The supreme court of Massachusetts decided, in 1901, that an act authorizing the levy of the whole cost of an improvement upon abutting property was unconstitutional, as it might easily exceed the special benefits in many cases. This decision threw the Boston assessments into great confusion. Mr. Harvey S. Chase, an expert accountant, after making a careful investigation, reported that the city would be unable to collect from special assessments more than from 25 per cent to 40 per cent of the cost of street and sewer construction.<sup>1</sup> However, the decision of the Massachusetts court clearly sustains the fundamental theory of special assessments, namely, that

<sup>1</sup> *Report of the Collecting Department of Boston, City Document 83, 1901.*

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real estate specially benefited by a street improvement should contribute the whole or a proportionate amount of the benefit to defray the cost of the improvement. Otherwise local improvements would be gifts of great value from the city at large to the adjoining property owners.

The total amount received from special assessments in 1901 by the thirty-eight largest cities of the country was something more than \$18,000,000, or not quite as much as was received from liquor licenses. There can be no doubt that special assessments form a legitimate source of revenue for cities, but not, of course, for the general purposes of government. Undoubtedly, too, these assessments are often unjustly laid. If the people living on one residence street pave it, those who live on the next street will come over and drive on it. Traffic goes out of its way to seek a well-paved street. In such cases the paving of the street in front of a man's house may be a damage instead of a benefit to him, especially if his business does not require him to use the pavements. It seems reasonable that a portion of the cost of paving should be borne by the city at large, and the remainder assessed against benefited property in proportion to the benefits without reference to whether the property has yet been improved or not. It might be fair to pay a part of the cost of street construction and repair by means of a vehicle and street-car license tax. This would be on the theory that the streets are a public utility for

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which the users should pay. If, on the other hand, we regard the streets as one of the free services that the democratic city owes to its people, then all the cost should be derived from general taxation, except the part that could be raised by special assessments under a strict construction of benefits, giving the property owner the advantage of the doubt in all cases.

The principal source of municipal income to meet current expenses is, in practically all American cities, the general property tax. Forty-four out of the fifty largest cities got more than half of their ordinary revenue from this source in 1901. Five others received more than half from this source and special assessments, leaving only Washington, with its immense subsidy from the national government, to derive less than half its ordinary revenue from the property tax and special assessments.

The general property tax is conceded to be a failure by economists and practical tax experts. It has been condemned by the history of the world; yet it lingers on as the basis of our whole tax system. The attempt made in many states to tax credits as property results in double taxation where successful. Ordinarily it only succeeds in levying a special tax upon honest men and people of small means, and seems so unjust that the average American will perjure himself, if necessary, to escape from it. Credits are, as David A. Wells said, the shadow of property. They should be

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exempted from taxation both for fiscal and for ethical reasons.

The case is nearly as strong in regard to all kinds of personal property. The attempt to tax it inevitably leads to gross injustice, because no assessor can even approximately estimate the value of the various kinds of personal property found in cities. Then, too, personal property can in many cases run away or hide itself and so escape taxation. It is notorious that the great bulk of the wealth of the rich in great cities is made up of credits and personal property, most of which now escapes taxation through the most outrageous system of guesswork on the part of the assessors and perjury on the part of the assessed that could be devised. As much as 80 per cent or 90 per cent of the personal property put on the rolls every year by the New York City assessors is sworn off by the poverty-stricken citizens.<sup>1</sup> The personal property assessment in New York City is about  $\frac{1}{4}$  of the total assessment; in Chicago  $\frac{1}{8}$ ; in Philadelphia,  $\frac{1}{560}$ ; in St. Louis,  $\frac{1}{8}$ ; in Boston,  $\frac{1}{5}$ ; in Baltimore,  $\frac{2}{3}$ ; in Cleveland,  $\frac{1}{4}$ ; in Buffalo,  $\frac{1}{125}$ ; in San Francisco,  $\frac{2}{10}$ ; in Pittsburg,  $\frac{1}{77}$ ; in Detroit,  $\frac{2}{3}$ ; in Washington,  $\frac{1}{18}$ ; and so on. Wilmington, Delaware, enjoys the distinction of having no personal property on its tax rolls.

If personal property were exempted from taxation, the added burden of taxes would fall upon real estate. Now real estate includes land, buildings,

<sup>1</sup> Durand, *The Finances of New York City*, pp. 191-195.



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other improvements, and franchises. Franchises are rights to the special use of land and are of the same nature as other rights in land. They may properly be classed as landed property. Mr. Henry George and his many followers have favored not only the exemption of credits and personal property, but the exemption of buildings and other improvements as well, leaving the whole burden of general taxation to fall upon land itself. The "single tax" doctrine is sound for cities, if sound at all; for in cities the difficulties attending the levy of taxes upon personal property are multiplied, and the evils resulting from land speculation are enormously increased. Special assessments are, in a crude way, based upon the single-tax theory, and whatever is sound in them is the outcome of the idea of taking the "unearned increment" from the private landowner and devoting it to public purposes. In some special assessment laws specific provision is made that levies upon land for benefits shall be made without reference to whether the land is vacant or has been improved. This is the correct plan, though generally wide departures from it are made. The rankest injustice is performed when the property is levied upon in proportion to its assessment for general taxation. This is unusual, however. Nevertheless, a maximum percentage of the assessed valuation is often fixed as the limit of special assessments. This might easily work out favorably for the owner of vacant lots, and thus be in direct violation of the theory of the single land tax.

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It is not generally known what relation the land values of a city bear to the total value of real estate. The city of Boston, however, assesses land and buildings separately, so that personal property and buildings being stricken from the rolls, everything would be ready to put the tax upon land value into operation. The total real-estate assessment of the city for 1900 was \$902,490,700, of which \$532,933,500, or 59 per cent, was land value, and the rest the value of buildings.<sup>1</sup> In thirteen out of twenty-five wards the land values were greater than the building values. These wards included the four in the heart of the city having the highest assessments. In the seventh ward, which contains by far the largest amount of property, land values amounted to \$160,000,000, while buildings were not worth quite \$58,000,000. During the fifteen years from 1885 to 1900, according to the assessed valuations, land values increased \$244,000,000, or a little less than 85 per cent, while the value of the buildings increased \$164,000,000, or about 80 per cent. During the same period the city collected from taxes,

<sup>1</sup> *Annual Report of the Assessing Department*, City Document 3, 1901. Land and buildings are now assessed separately in New York City and Detroit. The Detroit assessment shows land values to be 59 per cent of the total real-estate valuation, the same as in Boston. In New York, taxed land values are about 60 per cent of the total. According to the assessors' figures, the bare land values of the American metropolis, including exempt property, amount to nearly \$3,700,000,000. See *The Public*, Feb. 6, 1904, pp. 690, 691, and Feb. 20, 1904, p. 724.

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water-rates, and other income besides loans \$247,627,691.42, which is practically equal to the amount of the increment in land value during that time, if the assessors' estimates are correct.<sup>1</sup> During this same fifteen years the city increased its debt by about \$34,000,000. A tax of 5 per cent per year on land values only would have brought in a revenue of about \$300,000,000, or nearly \$20,000,000 in excess of all receipts for the period, including water-rates and loans less the amount of loans repaid and the increase of the sinking fund. If the water department be set on one side as a self-supporting public industry, there would have been a further surplus of nearly \$30,000,000. This and the decreased expenditure on account of the simplification of the taxing machinery under the single land-tax system would have made a four per cent tax an ample source of revenue for all ordinary and extraordinary municipal purposes. During these years Boston has been making a hard struggle against higher taxes, an increasing debt, and a threatening annual deficit. \$240,000,000 has meanwhile gone into the pockets of the land-owners from the natural increase in the land values as a result of the growth and industry of the city.

The theory of the single taxer is simple. He says that the increase in the value of urban lands is the measure of the economic advantages of city life. People live in cities because it pays them to do so. Density of population has certain definite

<sup>1</sup> See *Special Publications No. 5* of the Statistics Department.

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and great advantages for trade and many branches of manufacture. The natural or "unearned" increment in the value of the land tells from year to year how great these advantages are. But there is a law of compensation applying to city life as well as to all other human things. The city man finds that he must pay for all these advantages of city life. He has to build streets, and then bring water from afar. He has to construct railways and then ride on them to find a place to sleep. He has to buy parks and fit up playgrounds and put manual training into the schools to save his family from physical and moral degeneration. He has to maintain a fire department to save himself and his property from burning, and a police department to keep himself from getting robbed or murdered and to help his wife across the street at dangerous crossings. He has to establish a health department and pay great fees to have his garbage removed and his sick neighbor quarantined.

In brief, just as he reaches out to enjoy the economic advantages of city life, he experiences what I have called the resistance of local interests. The land levies a tax on him for wanting to put it to new and unheard-of uses. When this tax becomes greater than the unearned increment in land value, city life ceases to be economically profitable. It does not pay any longer. The city is too big or too extravagant. Now the single taxer says that our present system of taxation is a misfit

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because it lets the economic advantages of city life be absorbed by the landlords and makes us all help pay for having the disadvantages removed. The expense of city government is a *local* necessity; it is the tax that the land levies on the people for wanting to live all in one place. Why should not the people turn about and tax the land to keep even? That is precisely what is being done all the time by the construction of high buildings, and the laying of a network of pipes and wires underground, and all the other devices to get an added use out of land. The trouble is that this tax is absorbed as rent and does not go to balance the other tax at all, except the fraction now taken in the general property tax.

Clearly, as regards cities at least, the single taxer is right. The only really legitimate source of municipal revenue is the tax on land value. This includes a franchise tax and a vehicle tax, if the city desires to treat the streets like other land and make them self-supporting. Special assessments would disappear as such, for every assessment would be special,—a tax on benefits pure and simple. All public industries of importance would be managed independently on a self-supporting basis. The change from the present system could be made easily by a gradual process of exclusion. If done in this way, the “confiscation” of land would be a no more serious innovation than the confiscation that takes place whenever any new tax is imposed or the ordinary rate of taxation

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increased. But the change ought not to be too gradual, for we have lost a great deal of time already, and the city problem is pressing us hard. An honest and simple tax system is at the basis of good government and healthy civic life. The single tax upon land values is the most promising of all the planks in the program of civic reform, except the change in human nature proposed by the evangelists of the gospel of love.

## CHAPTER XIII

### MUNICIPAL DEBT

MOST American cities go into debt whenever they desire to make improvements that will last for a number of years, such as the construction of pavements, bridges, public buildings, sewers, water-works, etc., or the purchase of park lands. It is believed that as the citizens of next year and the following years will have a share in the benefits of these improvements, they ought to help pay for them. This theory is sound when applied to great undertakings that are started as soon as they are needed, so long as the bonds do not run beyond the *bona fide* life of the improvements. But when improvements are postponed while the original real-estate owners are pocketing their winnings from the first great advance in the advantages of city life, it is unfair to throw the cost of delinquent improvements upon the future, for the simple reason that such a policy will keep the city from ever catching up, each generation having the debt of the preceding one to pay. It is also unfair to issue bonds that will not fall due until after the original improvements are "dead and gone." But even if this unfairness be avoided, it is poor fiscal policy to borrow money for the construction of

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unproductive public works except in cases of real necessity, and then the bonds should be issued for minimum periods.

New York's per capita debt was, at the beginning of 1902, \$86.82 as against San Francisco's \$1.48.<sup>1</sup> The enormous amount of municipal indebtedness of most of the large cities imposes a heavy burden upon the current revenues for the payment of interest. All together this amounts annually to about \$36,000,000 in the cities of 100,000 population. This is a great sum when we remember that waterworks are about the only revenue-producing plants of any consequence owned by cities, so that this interest on debt is almost wholly paid out of current taxes.

All debt is a burden except where it has been issued to provide means for the construction of fully self-supporting commercial plants. In that case the debt is no burden as long as the industry pays the interest on it, and lets the principal stand. If the city takes over an industry with the idea of making a profit from it, the incurring of a debt may be an absolute advantage. But we have concluded in the preceding chapter that it is undemocratic and, in fact, ungovernmental for a city to go into industry for profit. If this principle is accepted, then public industry debts will be neither an advantage nor a disadvantage so long as they remain unpaid. If the city pays them out of taxes,

<sup>1</sup> See *Bulletin* of United States Labor Department, September, 1902, p. 981, for the total debt of leading American cities.



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and then collects from the industries less than the normal private rate of interest on the capital invested, the city at large will be the loser financially.

The long-term bonds issued by the cities of 100,000 population in 1901 amounted to more than \$75,000,000; while the long-term bonds paid amounted to about \$27,000,000, leaving a net increase in the debt of these cities of about \$48,000,000 for a single year. The increase in debt for the year 1900 was about \$50,000,000. The total net debt of these cities at the close of the year 1901 was somewhat more than \$760,000,000. This amounts to only fifteen or sixteen years' debt at the present rate of increase. If this rate keeps up, making no allowance for increase according to increase of population, in the year 1950, these thirty-eight cities will have a debt of about \$3,200,000,000. The debt in 1900 amounted to a little more than \$50 per capita and is increasing in the amount of \$3.50 per capita per year, on the basis of a stationary population. The actual rate of increase of the per capita debt seems to be about \$1.50 per year. At this rate in 1950 these cities would have a per capita debt of \$125.<sup>1</sup>

All these figures are based upon the supposition that the cities will continue to follow the general policy in regard to permanent improvements now being pursued. We must remember, however, that the movement toward municipal ownership

<sup>1</sup> See *Bulletin, op. cit.*, September, 1901, and September, 1902.

## MUNICIPAL DEBT

is a strong one, and that before another fifty years comes around, there is likely to be a vast increase of municipal debt on account of the purchase or construction of gas and electric light works, street railways, telephones, etc. Municipal ownership should not be discredited because of its tendency to increase the municipal debt, provided that the new enterprises of the city are made to be fully self-sustaining. Indeed, the increase in indebtedness on account of taking over public utilities will be to a great extent only a *nominal* increase; for all franchises now in private hands are in reality mortgages upon the streets to the full extent of their market value, and should be added to the other debts of the city if we desire to ascertain its total obligations. If Mr. Maltbie's estimate of the value of Chicago's street-railway franchises is correct, the real debt of that city on account of this class of franchises alone is \$75,000,000, or double the nominal city debt.<sup>1</sup>

This is such an important proposition that we need to consider it with some care. A franchise is a special right to the use of the street for a definite or indefinite period, or forever. In granting a franchise the city binds itself to deliver to the grantee the use of the street to the extent named in the contract every year until the expiration of the grant. *This delivery of the use of the street* is equivalent to an annual payment into a sinking

<sup>1</sup> See *Municipal Affairs*, June, 1901, for an article on "Chicago Street Railways," to which reference has already been made.

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fund for the liquidation of the franchise. If the city has sold the franchise and used the money, it has amounted to raising a loan by pledging a certain use of the street or a certain part of the revenues of the street. If the city receives an annual payment to the full amount of the annual value of the franchise, then no debt is created, for the city has given nothing away, and receives from year to year dollar for dollar of the use value delivered to the franchise-holder during the year. If, however, a valuable franchise has been given away, the city has indebted itself to the extent of the value of the franchise just the same as if it had issued bonds to that amount, a certain proportion of them to fall due every year during the period, but had received nothing for the bonds. The value of the franchise as delivered in instalments from year to year equals the original value plus interest charges. Giving away a franchise is like giving away bonds to the amount of the present value of the franchise. Selling a franchise for a lump sum is like selling bonds.

Taking these facts into consideration we find American cities in a much more deplorable condition at the present time than is shown on the face of the debt statements. At the same time the prospective increase in debt on account of taking over public utilities is seen to be nothing to cause alarm, at least so far as the value of the franchises is concerned. To resume the franchises, unless the city pays more than they are worth, will be

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simply to convert one sort of obligations into another, or, if you please, to fund a floating debt. So far as the actual cost of public utility plants is concerned, there will be a real increase in debt which will add to the burden of the taxpayers unless these plants are made absolutely self-supporting.

In most American cities the suffrage is sufficiently democratic so that practically all resident male citizens are entitled to equal voice in the conduct of the government. It is easy to see that the right to impose unlimited debt upon a city is equivalent to the ultimate ownership of all the real estate in the city; for a man cannot mortgage a house and lot unless they are his. In so far as the voters have a right to bond the city, in so far all the lands and buildings within the city ultimately belong to the voters. Yet Americans are jealous of the rights of private property and feel the necessity of protecting themselves from the ultimate community ownership that is the logical result of democratic sovereignty.

This protection, where it has been secured, has been the outgrowth of one of two policies, namely, first, the limitation of the suffrage in voting upon bond issues; and second, the limitation of the debt which any given locality may impose upon itself. The former policy would so far infringe upon the principles of democracy as to permit only taxpayers or freeholders to vote, or to hold office. When a freehold qualification is required for members of the city council and the mayor, and the

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people are not authorized to vote directly upon the issue of bonds, the limitation amounts to a good deal even where the suffrage has no taxpaying qualifications. Whenever property qualifications for voting on bond issues are required, the democratic principle is applied among the actual voters, so that a man who pays taxes on \$1000 valuation has the same vote as the one who pays on \$1,000,000. Though a good many instances can be pointed out, where property and taxpaying qualifications have been relied on to curtail debt, generally speaking, this limitation of the suffrage or of office-holding is not popular in America.

The more common device for protecting private property from confiscation by vote of the propertyless electors is to limit the rate of debt or taxation, or both, that may be voted by any locality. Of the largest cities only seven have no debt limit. These are Baltimore, St. Paul, Toledo, Columbus, Cincinnati, Newark, and Jersey City.<sup>1</sup> The per capita debt of these cities is about \$62, approximately 20 per cent above the average. Four cities, New Orleans, Washington, New Haven, and Memphis, have their borrowing powers controlled from time to time by the state and national legislatures. Their per capita debt is about \$48.50, which is slightly less than the average. The other cities have debt limits fixed by constitution or statute at from 2 per cent to 30 per cent of assessed valuation for taxing purposes. In a number of cases

<sup>1</sup> See *Statistics of Cities*, *op. cit.*, September, 1902.

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the water debt lies outside the limit. Sometimes the limit can be raised by popular vote. Boston, with its limit of  $2\frac{1}{2}$  per cent on the average assessed valuation for the preceding three years, has a per capita debt 60 per cent above the average. This is made possible by excluding much of the debt from the limit and by extremely high assessments. Chicago, with its 5 per cent limit, has a debt 60 per cent below the average. This is made necessary by extremely low assessments.

So long as the fixing of the debt limit is left to a state legislature elected by manhood suffrage, or to a state constitution adopted by equal vote of all the people, there is no violation of the principles of democracy involved in the limitation of municipal indebtedness. Private property is maintained by the state, and no claim can be set up, on the ground of democracy, that the people of a city should have the right to confiscate the property of their fellow-citizens against the will of the state as expressed in its constitution and statutes. In short, municipal debt is one of the fields of municipal government where the state must retain the right of control either through the legislature or the administrative authorities, or by means of constitutional limitations.

In some of the states the constitutions require the legislature to limit the powers of the cities in levying taxes, incurring debt, and loaning their credits. This method of controlling municipal debt has not proven very satisfactory. Except in

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extreme cases, the state legislature is not concerned about the issue of city bonds, and grants the authority upon request of the local representatives in the legislature. The National Municipal League proposes a constitutional debt limit of a certain per cent of the assessed value of real estate, but would not include within this limit temporary loans or loans made for the construction of public utilities which actually support themselves. Professor Tooke has suggested that all debts incurred on behalf of public utility plants should be a lien upon those plants alone, and consequently not rest as an ultimate burden upon the general property rolls of the city.<sup>1</sup>

This whole question of municipal debt is one of grave difficulty. The duty of the state to protect its own sources of revenue, the right of the private owner of real estate to the possession of his property under the law, the right of the city to govern itself and work out its own destiny, and the right of future generations to pay their own debt and not ours, seem to conflict in many points. It seems reasonable to believe that the best solution of the difficulty would be to place a general limit upon local indebtedness by constitution or statute and leave the determination of the issue of bonds within that limit to popular vote in the locality, subject to the approval of a state fiscal officer or

<sup>1</sup> Charles W. Tooke, *Constitutional Limitations of Municipal Indebtedness*, reprinted from the proceedings of the Syracuse Convention of the League of American Municipalities.

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board whose duty it would be carefully to examine existing conditions of the municipal debt and see that the provisions of the law had been lived up to before approving any bond issue.

One of the conditions universally applying to municipal bond issues for unproductive improvements should be the establishment of sinking funds and sufficient annual payments from taxes to provide for the redemption of the bonds at the expiration of their terms. Of course, if all bond issues were arranged so that an equal amount would fall due each year and be paid out of current revenues, there would be no need of sinking funds. Bond issues for productive enterprises may be for longer terms than other bonds. But there should in no case be a permanent debt any more than there should be a grant of perpetual franchises. In general, debts should be made due soon and paid when due. There will always be enough reason for creating new debts for new improvements, so that the old debts ought to be got out of the way as quickly as possible.

In order to be able to judge a little more intelligently as to the best policy for correcting the grave abuses of municipal credit and putting our cities on a more honorable basis with reference to the future, let us examine somewhat in detail the bond issues of one or two American cities, and see for what purposes municipal debt is incurred. The comptroller's report of the city of New York for the year 1901 showed that on December 31



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of that year the gross funded debt of the city was \$416,262,223.61. The schedule of the various series of bonds making up this total fills seventy printed pages. The distribution of this debt was about as follows:—

For water-supply and waterworks . . . . .	\$75,000,000
For street improvements and sewers . . . . .	70,000,000
For parks and boulevards . . . . .	54,000,000
For docks and ferries . . . . .	46,000,000
For school sites and schoolhouses . . . . .	44,000,000
For bridges . . . . .	39,000,000
For rapid transit tunnel construction . . . . .	12,000,000
For museums . . . . .	9,000,000
For sites and buildings for administrative purposes	27,000,000
For refunding old debt, for paying judgments, and for miscellaneous purposes . . . . .	40,000,000

It is impossible to analyze closely the last item of \$40,000,000, most of it being made up of refunding bonds and old county bonds, with no indication as to the specific purposes for which the debt was originally incurred.

During the thirty years from 1870 to 1900 the city of Boston created debts amounting to a total of \$124,753,108.65.<sup>1</sup>

This amount was distributed as follows:—

For water-supply and waterworks . . . . .	\$18,133,711.11
For street improvements and sewers . . . . .	59,520,151.74
For parks and public grounds . . . . .	15,444,760.98
For ferries . . . . .	724,000.00

<sup>1</sup> See *Special Publications No. 5*, Statistics Department, City of Boston, Table III A.

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For school sites and schoolhouses . . . . .	\$7,917,822.07
For bridges . . . . .	3,609,716.66
For rapid transit . . . . .	4,700,000.00
For public library . . . . .	2,947,900.00
For sites, buildings, and equipment for admin- istrative purposes . . . . .	10,454,246.09
For miscellaneous purposes . . . . .	1,300,800.00

We have already referred to Boston's debt limit being fixed at  $2\frac{1}{2}$  per cent of the average valuation of taxable property during the preceding three years. It should be noted that of the \$77,000,000 debt created between 1885 and 1900, \$40,000,000 came outside of the debt limit by authority of special statutes, and the \$64,000,000 water debt created was also excepted from the debt limit. This shows how frail a thing a debt limit is when established by statute. In this case 40 per cent of the debt created came within the rule and 60 per cent within the exception.

Along with the debt statements of Boston and New York we may set that of Grand Rapids, a much smaller city, and one that has only one-fourth as much debt per capita. The total indebtedness of this city on July 1, 1903, was \$2,212,000, distributed as follows:—

For water-supply and waterworks . . . . .	\$935,000
For street improvements . . . . .	400,000
For school sites and schoolhouses . . . . .	227,000
For bridges . . . . .	150,000
For city hall and for market site . . . . .	225,000
For electric light works . . . . .	125,000
For current expenses incurred about ten years ago .	150,000

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These analyses show in a general way the purposes for which debt is incurred. The Grand Rapids waterworks have cost to date about \$1,500,000, or over 60 per cent more than the present water debt. The works were begun about thirty years ago, and very little of the original debt has ever been paid off, but the water department has followed a conservative policy and paid for considerable construction from year to year out of revenues or taxes. New York City's waterworks have cost more than \$123,000,000, while the debt is only about \$75,000,000, unless some water debt is concealed in the refunded debt. The New York waterworks have been going for about seventy years however, and the city might be expected to have paid off all the original debt and the debt incurred for extensions and renewals during the first thirty or forty years.

On October 29, 1903, the people of San Francisco voted by more than two-thirds majority to bond the city for forty years for \$17,741,000 for the following purposes:—

For repaving streets . . . . .	\$1,621,000
For building sewers . . . . .	7,250,000
For school sites and buildings . . . . .	3,595,000
For a public library . . . . .	1,647,000
For a city and county hospital . . . . .	1,000,000
For a new jail and addition to hall of justice . . . . .	697,000
For public parks . . . . .	1,220,000
For playgrounds . . . . .	771,000

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This enormous bond issue was heartily supported by the Merchants' Association of San Francisco, and undoubtedly represents the deliberate judgment of the city.<sup>1</sup> The municipal debt springs at a single bound from \$250,000 to about \$18,000,000, or \$50 per capita. None of the contemplated improvements will be productive. San Francisco owns no public utilities. At the same election at which these bonds were authorized, the people failed to approve by the necessary two-thirds vote the proposition to buy one of the street-car lines. The vote on this question stood 14,381 for the purchase and 10,757 against it. Only a few years ago the city adopted a charter which declared unequivocally in favor of the municipal ownership of all public utilities. Yet now the city plunges into debt at the rate of \$50 per capita for unproductive improvements. If the city desired to municipalize the waterworks alone, it would involve a further debt of about \$30,000,000,<sup>2</sup> so that then San Francisco would have a debt of \$135 for every inhabitant, which would be much the largest per capita debt among great American cities.

A large proportion of the debt of most cities is for street improvements and sewers. Often this debt only nominally belongs to the city as a whole, provision being made to pay it off by the collection

<sup>1</sup> See *Merchants' Association Review*, October and November, 1903.

<sup>2</sup> See *Municipal Affairs*, June, 1900, for an article by A. S. Baldwin, entitled "Shall San Francisco Municipalize its Water-supply?"

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of special assessments from the owners of benefited property. In Grand Rapids all street improvement bonds are paid in this way. In many other cities conditions are different. In so far as street improvements are a direct benefit to abutting property, it is manifestly improper for a city to incur a debt on their account unless as the agent for the property owners who are unable to pay except on the instalment plan. In so far as street improvements benefit the city as a whole, they should be paid for out of taxation, and there is no good reason for running into debt on account of them, except when there is an extraordinary congestion of improvements in some one year so that it seems desirable to keep down the taxes approximately to the normal rate.

Another large share of municipal debt has been incurred for school purposes. It seems unfortunate to have to borrow money to educate our children so that they will in turn have to borrow money to educate their children, and the school-houses and grounds continue to be in large part the property of the city's bondholders. It seems particularly unfitting that New York City, with her immense wealth and stupendous display, should be running deeper and deeper into debt for schools.

Unquestionably we must call a halt in the piling up of debts for our children to pay. The loans we make should be for shorter periods, better provision should be made for paying them when they fall due, and more so-called permanent invest-

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ments should be made out of the annual revenues. The appalling danger of a rapidly increasing debt lies in the fact that the future needs of a growing city are sure to compel many radical reconstructions in addition to the natural expansion of functions where population is rapidly increasing.

## CHAPTER XIV

### A PROGRAM OF CIVIC EFFORT

IN the preceding chapters we have discussed many proposed remedies for existing evils. These are all ultimately dependent upon the transformation of our ethical standards. Yet that transformation cannot take place by a turn of the wheel. If it is brought about at all, it will be by the steady and manifold efforts of citizens to carry through specific reforms. All over the United States to-day in all the principal cities there are organizations working to this end. Indeed, there are several national organizations, made up of affiliated local bodies that recognize the national import of the city problem. It may be of interest to describe briefly some of these organizations in order to measure, as far as possible, the forces that are working in definite ways to bring about civic betterment.

In January, 1894, the first National Conference for good city government was held in Philadelphia. As an outcome of the meeting the National Municipal League was formed a few months later, its membership being composed of local leagues in various cities. Since that time national confer-

## A PROGRAM OF CIVIC EFFORT

ences have been held in Minneapolis, Cleveland, Baltimore, Louisville, Indianapolis, Columbus, Milwaukee, Rochester, Boston, and Detroit. After each conference a volume is published containing the reports of proceedings, together with the papers and addresses presented at the meeting. The result of this policy has been the putting forth of ten volumes which constitute a valuable library on municipal conditions in the United States. At first the league confined itself principally to the collection of information as to the actual condition of affairs in different cities of the country. After three or four years it became apparent to the moving spirits of the league that the reformers of the country needed *a constructive program*. As a result a special committee of seven,<sup>1</sup> which numbered among its members several leading students of municipal politics, was appointed to collate the manifold lessons of municipal experience in the various localities of the United States, and present a practicable working plan for the guidance of municipal reformers throughout the country. The final report of this committee was made at the end of two years' study, adopted by the league and embodied in *A Municipal Program*,<sup>2</sup> to which

<sup>1</sup> The members were Horace E. Deming, Esq., Prof. Frank J. Goodnow, Dr. Albert Shaw, Prof. L. S. Rowe, Clinton Rogers Woodruff, Esq., Charles Richardson, Esq., and George W. Guthrie, Esq.

<sup>2</sup> Published by the Macmillan Company for the National Municipal League.



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several references have already been made in this book. This program consists of two parts :—

*First*, a series of constitutional amendments suited for adoption in the fundamental laws of the various commonwealths. These amendments contained in outline the reforms which, in the judgment of the league, ought to be guaranteed beyond the caprice of the state legislatures.<sup>1</sup>

*Second*, a general municipal corporations act suitable for adoption by the various state legislatures to supplement and carry out the proposed constitutional amendments.

This program has attracted wide attention, and has already had a marked influence on new legislation in some states and cities. The program undoubtedly has helped to clear the air and crystallize into practical form the best judgment of students of our municipal problems as to the legislative reforms needed.

After the adoption of the "program," the league established two other important special committees, one on the subject of "Instruction in Municipal Government in American Educational Institutions," and the other on "Uniform Municipal Accounting and Statistics." These committees also have done excellent work, especially the latter, which devised schedules for municipal reports that have already been made use of in several cities and that promise to lead the way toward a rational system of accounting.<sup>2</sup>

<sup>1</sup> See *ante*, pp. 333-335, for a summary of these measures.

<sup>2</sup> See *ante*, p. 309.

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Another national organization, in some respects more important than the one we have just been discussing, is the League of American Municipalities, which is composed, as the name implies, of affiliated cities. The delegates to the meetings of this organization are city officials, men who are grappling at first hand with problems of government which the reformers approach, to a considerable extent, from the theoretical standpoint. These meetings are held annually, one year in one city and the next in another. The papers and proceedings are published, and are a distinct contribution to the literature of city government. There is an excellent semi-official monthly magazine, the *Municipal Journal and Engineer*, which makes the league more useful by furnishing a medium for education along the practical lines of civic work. The league gets its greatest usefulness from being a sort of clearing-house for the experience of cities in practical administration. At last the idea has dawned upon the city officials in many cities that municipal administration demands a special degree of intelligence. This is a most important step toward the rescue of our cities from the unreasoning domination of state and national party politics.

As an outgrowth of the League of American Municipalities several state leagues of cities have been formed, and in some cases are doing important work in the education of the officials of small and medium-sized cities. The California league has had a particularly vigorous life. So far as

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sheer usefulness goes, the state leagues ought to be of more importance to the smaller cities than the national organization, for it is within the individual states that legislation affecting cities has to be secured. The appalling decentralization of state administration was curiously illustrated soon after the California league was organized. The secretary of the league wrote to the secretary of state for a complete list of the incorporated cities in California. The list as furnished contained at least thirteen cities that, upon investigation, were found to be no longer performing municipal functions.<sup>1</sup>

Besides the two national bodies we have described there are a number of organizations for special purposes, such as the American Park and Outdoor Art Association, the American League for Civic Improvement, and the American Society of Municipal Improvements. There are organizations for the waterworks men and also for the health boards and health officers. Indeed, intermunicipal organization has become so much appreciated that it may perhaps be overdone. The main duty of public officials is to stay at home and attend to their official functions. Trips of inspection, conventions, and the like should never be permitted to take the place of honest effort to make practical use of the knowledge already possessed. Nevertheless, it is a hopeful sign of the times that both citizen reformers and municipal officials are organizing for discussion and enlightenment.

<sup>1</sup> See *California Municipalities*, 1899.

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Improvements have to be worked out practically in the home city. For this reason, strictly local organizations are almost as interesting to us as national and state bodies. There are hundreds of municipal leagues, civic clubs, taxpayers' associations, and the like, in the United States; but their purposes and the principles of their organization are by no means uniform. The following may be considered as the leading types:—

1. The citizens' party.
2. The voters' non-partisan league.
3. The taxpayers' association.
4. The law and order league.
5. The civic improvement club.

(1) The citizens' party has not thus far developed continuity of life in many cities, though there are frequent instances of its temporary success. The *World Almanac* for 1902 gives statistics of 103 cities.<sup>1</sup> The mayors are classed as Republicans or Democrats in all but five of these. In New York, Mr. Seth Low was elected by a non-partisan fusion movement headed by the Citizens' Union. Mayor S. M. Jones, of Toledo, and Mayor Charles S. Ashley, of New Bedford, were independent mayors elected by their personal followers. Mayor Eugene E. Schmitz, of San Francisco, was elected by the Labor Union party. The mayor of Des Moines, Iowa, was the other independent mayor, but I do not know his particular brand of independence. There are more or less permanent citizens'

<sup>1</sup> pp. 393-394.

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parties in Cambridge, Massachusetts. In 1896 there was a citizens' party organized in Biddeford, Maine, and after four annual elections in which it came off successful, the old parties ceased to put up candidates.<sup>1</sup> Citizens' movements for the nomination of candidates have a better chance of success in the smaller cities, because in them partisans have less at stake in the offices.

(2) The second type of local reform organization is the voters' league. The Municipal Voters' League of Chicago has won great fame throughout the country. It was organized in 1896 with the definite purpose of redeeming the city council from the boodlers. At that time fifty-eight out of sixty-eight aldermen were organized for public plunder.<sup>2</sup> The league set about a careful investigation of the records of all candidates for aldermen, published its findings, and recommended for election only such as were believed to be aggressively honest, without regard to party. After the fourth annual campaign Chicago had a majority of "honest" aldermen, and in 1903 after four more campaigns there were only seventeen out of seventy aldermen not enjoying the confidence of the league. The league pledged its candidates

<sup>1</sup> See *Rochester Conference for Good City Government*, pp. 124-127.

<sup>2</sup> An extremely interesting account of the Chicago Municipal Voters' League by Frank H. Scott, vice-president of the organization, is found in the *Detroit Conference for Good City Government*, pp. 147-157.

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to a non-partisan organization of the council. This is now secured by the appointment of committees agreed upon by the representatives of the two parties in the council. The influence of the league is enormous, and to its credit must be placed the fact that Chicago now has by far the best council of any of the half dozen largest cities in the United States. If no change for the better had been brought about, the city would no doubt have been despoiled ere now of new street-railway franchises without any considerable protection of the public. As it is, there is some reason to hope that Chicago is in a position to settle the street-railway problem pretty nearly on its merits. Candidates for aldermen are given a chance to sign the program of the Voters' League, which includes non-partisanship in council matters, the enforcement of the civil-service law, the keeping of the appropriations within the revenues and the reservation in all public utility franchises of opportunity for municipal ownership.

Several other cities have organizations of a somewhat similar nature, based on the theory that the voters will elect good men to municipal office with little regard to party if the facts in regard to candidates are presented to the people impartially. Cleveland has its Municipal Association which presents its records of candidates and makes recommendations for all city, county, and school offices. Salem, Massachusetts, has a Municipal Record Association, which tabulates and publishes the

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votes given by aldermen on all important propositions coming before the city council.

(3) The taxpayers' associations are generally organized for the purpose of investigating financial abuses and the waste of public funds. They are based on the theory that the direct taxpayers have a special interest in city affairs, and that financial honesty and economy are the desideratum of good municipal government. As a rule, they do not attack or recommend candidates, but give publicity to abuses and strive to improve the system of law and administration under which the abuses have arisen. The Civic Club of Grand Rapids is an organization of this kind. The City Club of New York follows this general line of activity. The Taxpayers' League of Portland, Oregon, was organized in 1899, with the following declared objects:—

(a) "The uniting of all taxpayers in one potential non-political centre of force for the purpose of promoting the general welfare of this city.

(b) "To place municipal and county administration on a purely business basis.

(c) "To maintain and enforce the law and to reduce the expense of our county and city administration to the lowest cost consistent with good government.

(d) "To protect in every lawful way the rights of the people of this city and county.

(e) "To suggest and endeavor to have adopted new laws or amendments to existing laws where

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experience demonstrates the necessity for such change."

As an outgrowth of the work of this league, Portland has secured its new charter, to which several references have been made in preceding chapters.

(4) The law and order leagues are generally organized for the purpose of securing the enforcement of liquor laws and the laws against gambling and vice. They often derive their main support from the churches and the temperance element. They are rather unpopular with business men, because these leagues stand for uncomfortable rigidity in public morals. To those who work in law and order leagues, moral backbone seems to be the supreme need of public officials. The work of these societies is invited and made necessary by the entrance of the saloon into politics, the corrupt alliance between the police and the vicious classes, and the appalling lawlessness that pervades many American communities and causes, not only the general deterioration of health and morals, but occasional calamities which, like the Iroquois theatre fire in Chicago, shock the community into a temporary realization of the importance of law and official responsibility.

(5) Civic improvement clubs are organizations of citizens who believe that reformers should have a more definite and tangible policy than mere honesty. They set about to do some positive work for the betterment of the city. They may ask for clean



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streets, or better pavements, or a pure water-supply, or larger parks. They stand for progress primarily, — economy, honesty, and law-enforcement being to them incidental to efficient municipal service, the one great purpose of city government. Boards of trade and chambers of commerce often enter this field for a part of their work. The most notable single organization working along these lines is, probably, the Merchants' Association of San Francisco, which was organized about 1894 with 47 members, and has grown in ten years to include on its rolls the names of more than 1300 business men and firms. The association prints a monthly *Review* in an edition of 6000 copies which are distributed free. The association, by taking the contract and doing the work itself, demonstrated that the streets of San Francisco could be cleaned. It has also constructed and presented to the city a well-equipped public convenience station under the sidewalk on a downtown square, and an "isle of safety" in one of the crowded streets, in order to show the city the utility of these improvements. It has for years taken an influential part in the civic life of the community, and has helped to secure the new charter with its civil-service reform provisions, and the immense bond issue recently voted for sewers, pavements, parks, playgrounds, and public buildings.

It is true that few reform organizations confine themselves strictly to any one of the five main lines of activity that I have described. Yet nearly all

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municipal leagues lay particular emphasis on one or another of these policies. Many more organizations are comparatively unsuccessful than are successful. Yet a review of the struggles for reform in the cities of the United States during the past ten years shows a marvellous development of public interest and an irrepressible tendency toward agitation and education. If, from the standpoint of municipal shortcomings, the outlook is rather pessimistic, on the other hand, the splendid vitality of citizenship shown in the civic awakenings of the last decade gives us good ground for hope. Indeed, the most cheerful thing for us in the present high efficiency of city government in Great Britain lies in the fact that, seventy years ago, British municipal administration was more hopelessly corrupt than ours now is. True, English cities began to work out their problems long before suffrage became almost universal, long before street franchises obtained their present enormous values, and in a country where urban population is homogeneous. Yet our American cities along with their greater difficulties have some advantages over the British cities of seventy years ago. Universal popular education and the characteristic hopefulness and energy of the American people are important elements in the outlook for better city government in the United States. There is nothing, however, in the general municipal situation to comfort the citizen who is not himself giving his personal attention to civic betterment.

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The fundamental plank in the program of civic reform must be a greater honesty in our ideas of wealth and our industrial relations. We have noted the main lines along which citizens now organize for reform purposes. Let us resume and elaborate our program. The first necessity of democracy is that productive labor be universally respected. The most promising means for the attainment of this end is the extension of manual training and industrial education in the schools. Along with this must go the public provision of the necessary gardens, laboratories, and workshops for the use of the children. Along this line also is the organization of the children into leagues for civic improvement and the performance of certain civic functions. *In the first place, therefore, let every municipal reformer give his hearty support to every effort that may be made to set the children of the city at work in connection with their education.*

The second great necessity is that citizens should realize their interest in civic affairs by feeling the burden and enjoying the benefits of city government. This is chiefly hindered by a dishonest system of taxation and the grant of special privileges. Taxation should be so arranged that every citizen would contribute directly to the support of government in proportion to his privileges. Either special franchise values should be wiped out under private or public management, or they should be treated like other exclusive rights to the use of land and their benefits be drawn into the public treasury. *In the*

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*second place, therefore, let every municipal reformer support every effort that may be made to exempt credits, personal property, and, ultimately, improvements from taxation, to bring franchise values upon the tax rolls, and to obtain for the public full value for every franchise granted, either by improved service and lower charges or by an annual rental paid into the city treasury.*

The third necessity of democracy is that the people's deliberate judgment in any community shall be freely expressed and honestly carried out. The hiatus that exists between the liquor laws and the laws against vice, on the one hand, and the standard of law enforcement supported by public sentiment, on the other, is in cities a standing bribe offered to police officials to enter into corrupt alliance with vice and crime. This bribe is often accepted, with baleful consequences to the city. In order to unify municipal policy and remove the civic hypocrisy that now paralyzes the arm of city government, we must have laws made and enforced by officers responsible to the same constituency. In order to make the popular will effective as the public will, we must reserve to the people the right of passing upon measures directly. *In the third place, therefore, let every municipal reformer support every effort to bring about municipal home rule in local affairs, central administrative control in state affairs, and the initiative, the referendum, and the recall.*

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These three principles —

- (I) Universal respect for labor,
- (II) Universal participation in the burdens and  
benefits of government,
- (III) Direct responsibility of the people for the  
control of their own public affairs —

are the bases on which the success of democracy in American cities depends, — and if democracy fails here, the story of America will be a closed chapter in the annals of freedom.

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